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*"Rummaging in the government's attic"*

Description of document: **Department of Education records re implementation of new FOIA law enacted December 2007**

Requested date: 2008

Released date: 2008

Posted date: 01-March-2010

Date/date range of documents: December 2005 – December 2008

Source of documents: U.S. Department of Education  
Office of Management  
Regulatory Information Management Services  
400 Maryland Avenue, SW, LBJ 2W220  
Washington, DC 20202-4536  
ATTN: FOIA Public Liaison  
[Online FOIA Form](#)

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From: Kendrick, Tony (Contractor)  
Sent: Thursday, October 04, 2007 2:23 PM  
To: Eiden, Lee  
Cc: Arrington, Angela; Barber, Delores J. (OM); Shaver, Jill; Carter, Jennifer (Contractor); Bingham, James C. (Contractor)  
Subject: RE: DRAFT [Backlog Reduction Goals for FY 08, FY 09, and FY 10]

Good afternoon - for what it's worth, I'm providing some background on how I came up with the draft projections that I provided this morning. I figured there might be a "where did he come up with that?" question after I shared the draft.

The first page of the attachment is what you received this morning.

The second page is an explanation/rationale I used for the FY2008 numbers I provided for your consideration.

The third page shows the receiving, processing, and pending trends for all years since 2003. It also shows that by applying the (b)(2), (b)(5)



Enjoy! - Tony

-----Original Message-----

From: Kendrick, Tony (Contractor)  
Sent: Thursday, October 04, 2007 8:50 AM  
To: Eiden, Lee  
Cc: Arrington, Angela; Barber, Delores J. (OM); Shaver, Jill; Carter, Jennifer (Contractor); Bingham, James C. (Contractor)  
Subject: DRAFT [Backlog Reduction Goals for FY 08, FY 09, and FY 10]

Lee, good morning. As requested, attached is a draft response to the DOJ request for our backlog projections through 2010.

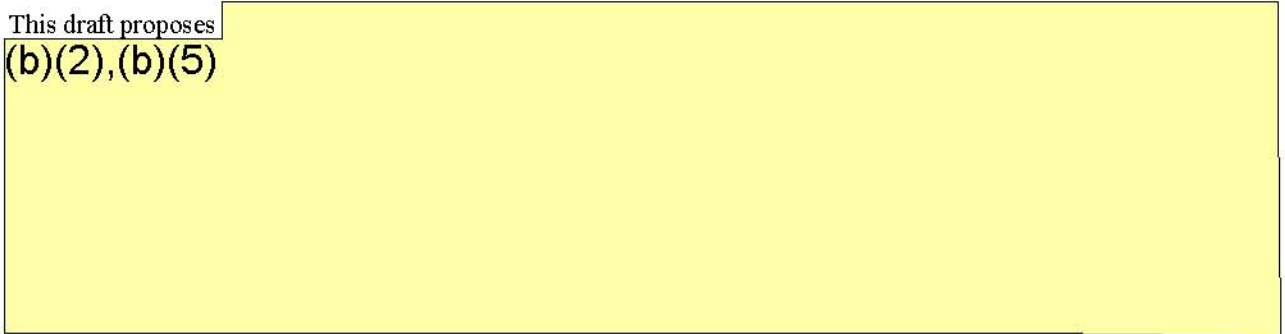
Historically, our FOIA team has demonstrated they are as productive as they can be in processing initial requests (and how many appeals are processed).

The backlog of initial requests is expected to increase because we consistently receive more requests than we can process.

The backlog of appeals is expected to decrease because the processing output is greater than the number of appeals received and initial releases and determinations are projected to be better prepared and justified.

This draft proposes

(b)(2), (b)(5)



Again, a first draft. I'll be pleased to make any adjustments. Thanks! - Tony

-----Original Message-----

From: Eiden, Lee

Sent: Wednesday, September 19, 2007 4:40 PM

To: Kendrick, Tony (Contractor)

Cc: Arrington, Angela; Barber, Delores J. (OM); Bingham, James C. (Contractor)

Subject: FW: Executive Order 13,392 "Improving Agency Disclosure of Information" [Backlog Reduction Goals for FY 08, FY 09, and FY 10]

Importance: High

Tony,

Could you prepare our draft response to this requirement from DOJ? Perhaps Angela received it and forwarded it to you under separate email transmission; however, I would rather duplicate this effort than not. It would be best if we had a draft by October 12.

Thanks.

Lee

---

Leo Eiden

Director

Regulatory Information Management Services

Office of Management

U.S. Department of Education

Room 9149 - Potomac Center Plaza

550 12th Street, SW, Washington, DC 20202

Telephone: 202.245.6454

Fax: 202.245.6623

-----Original Message-----

From: DOJ OIP FOIA [mailto:List.Names@usdoj.gov]

Sent: Friday, September 07, 2007 10:51 AM

To: Barnes, Janet L.; Bartholow, Steven; Bertina Adams; Black, Andrew; Blakely, Edward; Booker, Carol; Bryant, Wil; Buffon, Kathleen; Callear, James; Chellaraj, Rajkumar; Clark, Michell; Conley, Michael; Crawley, Thomas; Crumpacker, Jill; Danker, Deborah; DeFrancis, Suzy; Donley, Michael; Donovan, Eileen; Duncan, Thomasenia; Feder, Samuel; Fernandez, Alexander; Flahavan, Richard; Ford, Delorice; Fortuno, Victor; Fried, Maria; Garfinkel, Mark; Grosner, Brian; Hackett, John; Hall, Martin; Hardy, David; Hertz, Philip; Hill, Beverly; Howell, Michael; Johnson, Jennifer L.; Johnson, Mary; Jordan, Mosina; Jurith, Edward; Kaye, Janice; Kearney, Barry; Keats, Craig; Kelsey, Sara A.; Killelte, Delores; Knapp, Lindy; Kolb, Ingrid; Laponsky, Mark; Layton, J. McLane; Mantini, John; Mason, Eileen; Mastroianni, Peggy; mspb@mspb.gov; McCarthy, Peter B.; McDonnell, Erin; McKenna, Michael; Monroig, Emma; Mould, David; Nelson, Keith; Nichols, Dorothy; Nieva, Jocelyn; Oliveri, Medaris; Petrick, James; Powell, D. Matthew; Propper, Susan; Reynolds, Emily; Reynolds, Kate; Roberts, Bentley; Roberts, Keith; Ruiz, Diego; Rutherford, Boyd K.; Sandros, Tanya M.; Scherer, Robert; Schiffer, Lois; Shapiro, Robert; Shonka, David; Silber, Jacqueline; Smythe, Austin; Sokul, Stanley; Sorbera, Joe; Stern, Gary; Stevenson, Todd; Suro-Bredie, Carmen; Tarasiuk, Aldolfo; Teufel, Hugo; Travers, Linda; Trinity, Frank; Valandra, Joseph; VanBrakle, Bryant; Wallace, Sally; Warner, Christopher; Watson, Carole; Weiss, Nancy; Wellman, Tricia; Williams, Steven; Wilson, Leon; Wolff, Otto; Zak, Leocadia; Armstrong, Andrea (ENRD); Banerjee, Carmen; Baude, Gary; Beaty, Dorothy; Bordley, Ed (USMS); Day, Kathy; Espenozza, Cecelia (EOIR); Farris, Bette; Graham, Averill P.; Henderson, George; Hermilla, Nelson (CRT); Hubbert, David A. (TAX); Hunt, Wanda; Hunter, Anissa H. (USPC); Kovakas, Jim (CIV); Lapara, Joan M; Lee, Dorothy A.; Lock, Judith H; McCain, Kaletus L; McElroy, Brenda (OPA); McIntyre, Thomas; Myrick, Katherine L; NDIC Helpdesk; Sessoms, GayLa; Shiels, Marnie; Slates, Sue Ann; Spells, Jean (PRAO); Stewart, Garry (USAEO); Wahowiak, Marlene; Waller, Deborah M. (OIG); Arrington, Angela; Ball, Katherine; Bartlett, Michael J.; Bridge, Diane L.; Broderick, Marilyn; Brown, Vanessa S.; Cramer, Jodi; Dangin, Alfan; Eaton, Bette S.; Adams Jr., Albert D.; Alphin, Cathy; An, Gil Hyun; Apol, David; Babcock, Lisa; Batie, Patricia; Bender, Stuart; Berumen, Malia; Boling, Edward A.; Boyd, Harriette; Brockner-Ryan, Beth; Buck, John; Carey, Priscilla; Carter, Mildred; Carter, Rodney L.; Castelli, Laurence; Castelli, Michael; Cerveney, John; Christopher, Nancy; Coe, A. Ren'ee; Cornell, Susan R.; Costello, Dan; Cragg, Scott; Crago, Erica; Crenshaw-Davis, Gladys; Crowley, Gerald; Diaz-Ortiz, Martha; Dolan, Brenda; Dorsey, Betty B.; Duncan, Hilario R.; Eckert, Robert; Ehrlich, Carol; Femi, Judy; Fina, Joan; Finnegan,

Karen ; Fisch, Fred ; FitzGerald, E. William ; Fowler, Andrea ; Frangipane, Noelle ; Frye, Nneka ; Garner, Stephanie D. ; Gee, Patricia ; Gottesman, Larry ; Gottry, Heather C. ; Grafeld, Margaret P. ; Gressman, William E. ; Gross, Jacqueline ; Hackett, John F. ; Hair, Shoko ; Hanz, Brenda ; Hardy, Dionne ; Hawkins, Sharron ; Higgins, Kitty ; Hite, Jeanette S. ; Hollaway, Rebecca ; Hollingsworth, Judi ; Hudson, Jennifer ; Huff, Latita M. ; Ingersoll, Janet ; Inman, Katie ; Jagadesan, Des ; Jeffcoat, Mary A. ; Jensen, Leslie ; Johnson, Clay ; Kammer, Will ; Kil, Sophia ; Kinsey, Brian Scott ; Kirkpatrick, Christopher ; Korb, Timothy ; Krol, Jim ; Kurt, Christopher ; Laster, John ; Lazaroff, Joy ; Link, Kendra ; Livornese, John ; Lopez, Abel ; Low, Carol ; Luczynski, Kimberley ; Luna, Stella ; Manheim, Marianne ; Marquis, Michael S. ; Mason, Tony ; Matthews, Carol A. ; McConnell, Stephen ; McCoy, Regina ; McCready, Andrew W. ; McLaughlin, Jeanne ; Means, Judith ; Melendy, Rosemary ; Mengel, David ; Mills, Alberta ; Nichols, Russell A. ; O'Connor, Peter ; Oleinick, Lew ; Oliver, Ramona ; Owall, Jeff ; Papoi, Catherine ; Parsons, Bobbie ; Paskar, Joanne ; Patten, Mae R. ; Pavlik, Catherine ; Pearson, Christina ; Peppe, Margaret G. ; Perhach, William ; Petersen, Daniel ; Phillips, Pamela N. ; Plick, Joe ; Polk, Willie J. ; Ratchford, Jeanne ; Ray, Kathy ; Rosas, Christina E. ; Sadler, Fred ; Salamido, Holly ; Drabek, Cynthia ; Eiden, Lee ; Gilmore, Hugh ; Hawkins, Sandra, L. ; Lesko, Stephanie ; Levitt, Marilyn ; Paez, Alan ; Salva, Dianne ; Schecker, Larry ; Sealing, Donna L. ; Sharpe, Thomas ; Sheils, Peter ; Shonks, Margie ; Sincavage, Michael ; Singer, Harold ; Smith, Nancy Kegan ; Smith-Toomey, Mary Beth ; Steinberg, David ; Taylor, Anastazia ; Thomas, Charlene Wright ; Tilley, Steven D. ; Underwood, Dale ; Vance, Frank D. ; Vankevich, Peter M. ; Vergelli, John ; Verreau, Rebecca ; Virga, Jane ; Winefordner, Arlin ; Wright, Lauren E. ; Yohe, Melanie

Cc: Pustay, Melanie A ; Mallon, Carmen L ; Hendricks, Kenneth A ; Hitter, Thomas E

Subject: Executive Order 13,392 "Improving Agency Disclosure of Information" [Backlog Reduction Goals for FY 08, FY 09, and FY 10]

Attached is the Department of Justice guidance your agency should follow in preparing its Backlog Reduction Goals for Fiscal Years 2008, 2009, and 2010, in accordance with Executive Order 13,392. Please note that these goals are to be submitted in draft to the Department of Justice by October 19, and once final, they must be posted on your agency web site by November 1st.

<<November1.Guidance.pdf>>

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Sent: Thursday, October 04, 2007 8:50 AM  
To: Eiden, Lee  
Cc: Arrington, Angela ; Barber, Delores J. (OM) ; Shaver, Jill ; Carter, Jennifer (Contractor) ; Bingham, James C. (Contractor)  
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Lee, good morning. As requested, attached is a draft response to the DOJ request for our backlog projections through 2010.

Historically, our FOIA team has demonstrated they are as productive as they can be in processing initial requests (and how many appeals are processed).

The backlog of initial requests is expected to increase because we consistently receive more requests than we can process.

The backlog of appeals is expected to decrease because the processing output is greater than the number of appeals received and initial releases and determinations are projected to be better prepared and justified.

This draft proposes that we may reduce the projected number of incoming requests through (1) a more active effort to put documents into the web reading room ahead of expected requests and (2) to explore options on increasing the number of individuals authorized to make release determinations. I see no other way of dealing with the number of incoming requests (a factor we cannot control).

I don't know if DOJ is expecting an unrealistic projection showing a decrease in the end of year backlog ("blood out of a turnip" expectation). Maybe we want to add a column of "FOIA Staff" next to the number of requests projected to be processed - it might visually make the connection that keeping the same staff level of course means keeping output stable as well. They can always take that column out - but we'll have made our point and they might consider that that is a valuable column and may make an additional request for everyone to include that column.

Again, a first draft. I'll be pleased to make any adjustments. Thanks! - Tony

-----Original Message-----

From: Eiden, Lee

Sent: Wednesday, September 19, 2007 4:40 PM

To: Kendrick, Tony (Contractor)

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Subject: FW: Executive Order 13,392 "Improving Agency Disclosure of Information" [Backlog Reduction Goals for FY 08, FY 09, and FY 10]

Importance: High

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Lee

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Leo Eiden

Director

Regulatory Information Management Services

Office of Management

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Room 9149 - Potomac Center Plaza

550 12th Street, SW, Washington, DC 20202

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Watson, Carole; Weiss, Nancy; Wellman, Tricia; Williams, Steven; Wilson, Leon; Wolff, Otto; Zak, Leocadia; Armstrong, Andrea (ENRD); Banerjee, Carmen; Baude, Gary ; Beaty, Dorothy; Bordley, Ed (USMS); Day, Kathy; Espenosa, Cecelia (EOIR); Farris, Bette; Graham, Averill P.; Henderson, George; Hermilla, Nelson (CRT); Hubbert, David A. (TAX); Hunt, Wanda; Hunter, Anissa H. (USPC); Kovakas, Jim (CIV); Lapara, Joan M; Lee, Dorothy A.; Lock, Judith H; McCain, Kaletus L; McElroy, Brenda (OPA); McIntyre, Thomas; Myrick, Katherine L; NDIC Helpdesk; Sessoms, GayLa; Shiels, Marnie; Slates, Sue Ann; Spells, Jean (PRAO); Stewart, Garry (USAE0); Wahowiak, Marlene; Waller, Deborah M. (OIG); Arrington, Angela; Ball, Katherine; Bartlett, Michael J.; Bridge, Diane L.; Broderick, Marilyn; Brown, Vanessa S.; Cramer, Jodi; Dangin, Alfan; Eaton, Bette S.; Adams Jr., Albert D.; Alphin, Cathy; An, Gil Hyun ; Apol, David; Babcock, Lisa ; Batie, Patricia ; Bender, Stuart ; Berumen, Malia ; Boling, Edward A. ; Boyd, Harriette; Brockner-Ryan, Beth ; Buck, John ; Carey, Priscilla ; Carter, Mildred; Carter, Rodney L. ; Castelli, Laurence ; Castelli, Michael ; Cerveney, John ; Christopher, Nancy ; Coe, A. Ren'ee ; Cornell, Susan R. ; Costello, Dan ; Cragg, Scott ; Crago, Erica ; Crenshaw-Davis, Gladys ; Crowley, Gerald; Diaz-Ortiz, Martha; Dolan, Brenda; Dorsey, Betty B. ; Duncan, Hilario R. ; Eckert, Robert ; Ehrlich, Carol; Femi, Judy ; Fina, Joan ; Finnegan, Karen ; Fisch, Fred ; FitzGerald, E. William ; Fowler, Andrea ; Frangipane, Noelle ; Frye, Nneka ; Garner, Stephanie D. ; Gee, Patricia ; Gottesman, Larry ; Gottry, Heather C. ; Grafeld, Margaret P. ; Gressman, William E. ; Gross, Jacqueline ; Hackett, John F. ; Hair, Shoko ; Hanz, Brenda ; Hardy, Dionne ; Hawkins, Sharron ; Higgins, Kitty ; Hite, Jeanette S. ; Hollaway, Rebecca ; Hollingsworth, Judi ; Hudson, Jennifer ; Huff, Latita M. ; Ingersoll, Janet ; Inman, Katie ; Jagadesan, Des ; Jeffcoat, Mary A.; Jensen, Leslie ; Johnson, Clay ; Kammer, Will ; Kil, Sophia ; Kinsey, Brian Scott ; Kirkpatrick, Christopher ; Korb, Timothy ; Krol, Jim ; Kurt, Christopher ; Laster, John ; Lazaroff, Joy ; Link, Kendra ; Livornese, John; Lopez, Abel ; Low, Carol ; Luczynski, Kimberley ; Luna, Stella ; Manheim, Marianne ; Marquis, Michael S. ; Mason, Tony ; Matthews, Carol A. ; McConnell, Stephen ; McCoy, Regina ; McCready, Andrew W. ; McLaughlin, Jeanne ; Means, Judith ; Melendy, Rosemary ; Mengel, David ; Mills, Alberta ; Nichols, Russell A. ; O'Connor, Peter ; Oleinick, Lew ; Oliver, Ramona ; Oval, Jeff ; Papoi, Catherine; Parsons, Bobbie ; Paskar, Joanne ; Patten, Mae R. ; Pavlik, Catherine ; Pearson, Christina ; Peppe, Margaret G. ; Perhach, William ; Petersen, Daniel ; Phillips, Pamela N. ; Plick, Joe ; Polk, Willie J. ; Ratchford, Jeanne ; Ray, Kathy ; Rosas, Christina E. ; Sadler, Fred ; Salamido, Holly ; Drabek, Cynthia; Eiden, Lee; Gilmore, Hugh; Hawkins, Sandra, L.; Lesko, Stephanie; Levitt, Marilyn ; Paez, ALan; Salva, Dianne ; Schecker, Larry ; Sealing, Donna L. ; Sharpe, Thomas; Sheils, Peter ; Shonks, Margie ; Sincavage, Michael ; Singer, Harold ; Smith, Nancy Kegan ; Smith-Toomey, Mary Beth ; Steinberg, David ; Taylor, Anastazia ; Thomas, Charlene Wright ; Tilley, Steven D. ; Underwood, Dale ; Vance, Frank D. ; Vankevich, Peter M. ; Vergelli, John ; Verreau, Rebecca ; Virga, Jane; Winefordner, Arlin ; Wright, Lauren E. ; Yohe, Melanie

Cc: Pustay, Melanie A; Mallon, Carmen L; Hendricks, Kenneth A; Hitter, Thomas E

Subject: Executive Order 13,392 "Improving Agency Disclosure of Information" [Backlog Reduction Goals for FY 08, FY 09, and FY 10

Attached is the Department of Justice guidance your agency should follow in preparing its Backlog Reduction Goals for Fiscal Years 2008, 2009, and 2010, in accordance with Executive Order 13,392. Please note that these goals are to be submitted in draft to the Department of Justice by October 19, and once final, they must be posted on your agency web site by November 1st.

<<November1.Guidance.pdf>>



# UNITED STATES DEPARTMENT OF EDUCATION

## OFFICE OF MANAGEMENT

### Regulatory Information Management Services

U.S. Department of Education  
Backlog Reduction Goals for FY08, FY09, and FY10  
in furtherance of Executive Order 13392  
"Improving Agency Disclosure of Information"

The FOIA resources of the Department of Education have resulted in a consistent production rate between 1100 and 1250 cases per year. The conversion to the electronic processing program in Fiscal Year 2007 has brought the productivity level past 1300. Historically, the number of

(b)(2), (b)(5) requests received per month is between 10 and 20 percent more than the productivity level. FOIA resources are not expected to increase and the turnover of FOIA staff may degrade the knowledge and experience base of the processing staff. However, the productivity level of the dedicated and diligent processing staff is projected to remain relatively constant. Efforts to reduce the number of incoming requests will include (whenever possible) prompt posting, to the web-based electronic FOIA reading room, documents likely to generate FOIA requests, documents responsive to expected annual requests, and documents responsive to education issues receiving media coverage. In addition, the Department will explore options and strategies to delegate initial determination authority.

#### Requests

Fiscal Year	Number of Pending Requests at Beginning of FY	Estimated Number of Requests Incoming During FY	Agency's Goal for Number of Requests to be Processed During FY	Agency's Goal for Number of Requests Pending Beyond Statutory Time Period (I.E., Backlog) at End of FY.
2008	673*	(b)(2), (b)(5)	1304	821
2009	821	1506	1325	1002
2010	1002	1540	1320	1222

#### Appeals

Fiscal Year	Number of Pending Requests at Beginning of FY	Estimated Number of Requests Incoming During FY	Agency's Goal for Number of Requests to be Processed During FY	Agency's Goal for Number of Requests Pending Beyond Statutory Time Period (I.E., Backlog) at End of FY.
2008	24*	(b)(2), (b)(5)	44	20
2009	20	35	48	7
2010	7	40	45	2

\* This is a preliminary number (generated on October 1, 2007) of requests pending at the beginning of FY 2008 because it does not reflect those action offices that have not converted 100% to the department-wide electronic processing system. Data manually submitted will not be available, and processed, until the first week of January 2008.

Where did these FY 2008 projected numbers come from?

673	The number of pending requests at the beginning of FY 2008.	Source: FOIAXpress
(b)(2), (b)(5)	The number of projected cases pending at the end of FY 2008.	<p>It is projected that the end of year backlog will be 22% higher than the beginning backlog.</p> <p>Calculation: The past 5 years the backlog has increased an average of 40% per year. The increase between 2006 and 2007 was 25%. An assumption was made that we are unlikely to see increases of 75% and 68% in the next few years because of a change in administration (too early to cause concerns requiring investigations). Plus, practically speaking, projecting an increase of 40% would send out alarm bells and we'd receive guidance to project a less aggressive interest in ED programs and operations.</p>
1452	The estimated number of incoming requests.	<p>It is projected that the number of requests will increase by 10%.</p> <p>Calculation: Surprisingly, over the past 5 years the number of incoming requests has decreased an average of 24% a year. But the average number of incoming requests per year is 1,936. The number of requests received in 2007 was 1,320. Therefore, I considered 2007 an anomaly and rather than take the chance we'll get another 24% drop (to 1003 requests) it seems more reasonable to project a 10% increase in requests. In addition, 1,452 is closer to what our average productivity (1,838) is.</p>
1304	The estimated number of processed requests.	<p>It is projected that the FOIA staff will be 14% more productive than they were in 2007.</p> <p>Calculation: Over the past 5 years the number of requests processed has decreased an average of 34% per year. The average number of requests processed was 1,838 per year. Projecting a processing rate increase of 14% instead of a decrease of 34% (861) seems reasonable to account for better use of technology, hopefully fewer complex and extensive requests, a more stable knowledge/experience base, perhaps a new administration more open for transparency, and luck. If our FOIA team expertise and release policies are considered somewhat stable over the past 5 years, then why can't we get back to the average of closing 1,800 cases a year? Is the FOIA team overly tasked with non-FOIA processing duties? In addition, projecting a processing decrease would be a red flag.</p>

FY 2009 and FY 2010 Projections:

(b)(2), (b)(5) All other values are calculated based on a 22% backlog increase each year and an estimated minimal change in the processing rate projected for 2008. Given the starting backlog for 2008 (determined by FOIA express), a pure guess as to how many requests will be processed in 2008, and a 22% backlog increase – all the other values can be calculated.

Appeals are not as influenced by outside factors and, therefore, using the starting backlog for 2008 (determined by FOIA express) and using the incoming amount and the processing rate from 2007 data, all the values can be calculated. Only if Appeals projects a significant increase in the number of incoming requests would the numbers change.

Below are the (fiscal year) numbers and trends over the past 5 years to use as a reference to make adjustments to the preliminary draft provided:

Number of Requests Received:

<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>Average</b>
1856	2232	2416	1858	1320	1936
	20%↑	8%↑	23%↓	29%↓	24%↓

Number of Requests Processed at the end of each fiscal year:

<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>Average</b>
1840	2082	2219	1904	1145	1838
	13%↑	7%↑	14%↓	40%↓	34%↓

Number of Requests Pending at the end of each fiscal year:

<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>Average</b>
198	348	585	539	673	469
	75%↑	68%↑	8%↓	25%↑	40%↑

Based on the averages over the past 5 years, the projections would look like:

Fiscal Year	Number of Pending Requests at Beginning of FY	Estimated Number of Requests Incoming During FY	Agency's Goal for Number of Requests to be Processed During FY	Agency's Goal for Number of Requests Pending Beyond Statutory Time Period (I.E., Backlog) at End of FY.
2007	498	1320	1145	673
2008	673*	(b)(2),(b)(5)		
2009				
2010				
(b)(2),(b)(5)				

## Kendrick, Tony (Contractor)

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**From:** Kendrick, Tony (Contractor)  
**Sent:** Friday, July 27, 2007 12:58 PM  
**To:** Eiden, Lee  
**Cc:** Hyler, James  
**Subject:** RE: ED Updated FOIA Status Report, July 2007 (Executive Order 13,392)

Lee, good afternoon. Attached is the memo you sent out for review. I have adjusted the language regarding meeting all goals except one of the "10 oldest" interim goals.

It should be ready to be put on letterhead. I'll assist James in any way I can. - Tony

-----Original Message-----

**From:** Eiden, Lee  
**Sent:** Wednesday, July 18, 2007 11:10 AM  
**To:** Kendrick, Tony (Contractor)  
**Subject:** RE: ED Updated FOIA Status Report, July 2007 (Executive Order 13,392)

Tony,  
Thanks -- good point. If past is prologue then Mr. Hendricks will likely call me and I could posit that change at that time.  
Lee

-----Original Message-----

**From:** Kendrick, Tony (Contractor)  
**Sent:** Wednesday, July 18, 2007 11:08 AM  
**To:** Eiden, Lee  
**Subject:** RE: ED Updated FOIA Status Report, July 2007 (Executive Order 13,392)

Lee, great memo!

(b)(2), (b)(5) made one change that didn't make it to the version you worked from. Perhaps it is spin - but instead of:

"the Department of Education did not meet one interim goal related to reducing the FOIA backlog."

You might consider revising as: **"the Department of Education met all interim goals related to reducing the FOIA backlog, except one related to the 10-Oldest requests."**

Don't want anyone to misread the sentence and conclude that we missed an entire goal. And the revision completely removes the phrase "did not meet," which might be something that sticks in their mind. "Met all" is the preferred retained idea!

Rephrasing doesn't really change the substance of the memo and, therefore, I don't think Hendricks needs to get another version. But I do recommend that the memo that leaves the Department might want to incorporate the suggested revision.

Just a thought. - Tony

-----Original Message-----

**From:** Eiden, Lee  
**Sent:** Wednesday, July 18, 2007 10:46 AM  
**To:** 'kenneth.a.hendricks@USDOJ.gov'  
**Cc:** 'thomas.e.hitter@USDOJ.gov'; Clark, Michell; Butler, Donna; Arrington, Angela  
**Subject:** FW: ED Updated FOIA Status Report, July 2007 (Executive Order 13,392)  
**Importance:** High

Dear Mr. Hitter,

Please find the attached draft "**Updated Status Report**" by the **U.S. Department of Education (ED)** regarding the progress made in addressing our deficit interim milestone. We are prepared to transmit this report in final to the President's Management Council on August 1, should there be no problems with our draft.

Should you have any questions, please contact me or Angela Arrington, FOIA Public Liaison (202-245-6409 / [angela.arrington@ed.gov](mailto:angela.arrington@ed.gov)).

Sincerely,

Lee Eiden

---

**Lee Eiden**

Director  
Regulatory Information Management Services  
Office of Management  
U.S. Department of Education  
Room 9149 - Potomac Center Plaza  
550 12th Street, SW, Washington, DC 20202  
Telephone: 202.245.6454  
Fax: 202.245.6623

-----Original Message-----

**From:** List Names [<mailto:List.Names@usdoj.gov>]

**Sent:** Thursday, June 28, 2007 1:14 PM

**Subject:** Guidance on Executive Order 13,392

To: Principal FOIA Contacts and FOIA Public Liaisons

Attached please find Department of Justice guidance for submitting Updated Status Reports pursuant to Executive Order 13,392, "Improving Agency Disclosure of Information." These reports must be submitted in draft to the Department of Justice by July 18, 2007. After review by the Department of Justice, they must be submitted in final form to the Chair of the President's Management Council by August 1, 2007.

Please feel free to contact Kenneth A. Hendricks, or Thomas E. Hitter at the Office of Information and Privacy, Department of Justice at 202-514-3642 with any questions you may have.

<<DOJ 8-1-07 Guidance.June 28.doc>>

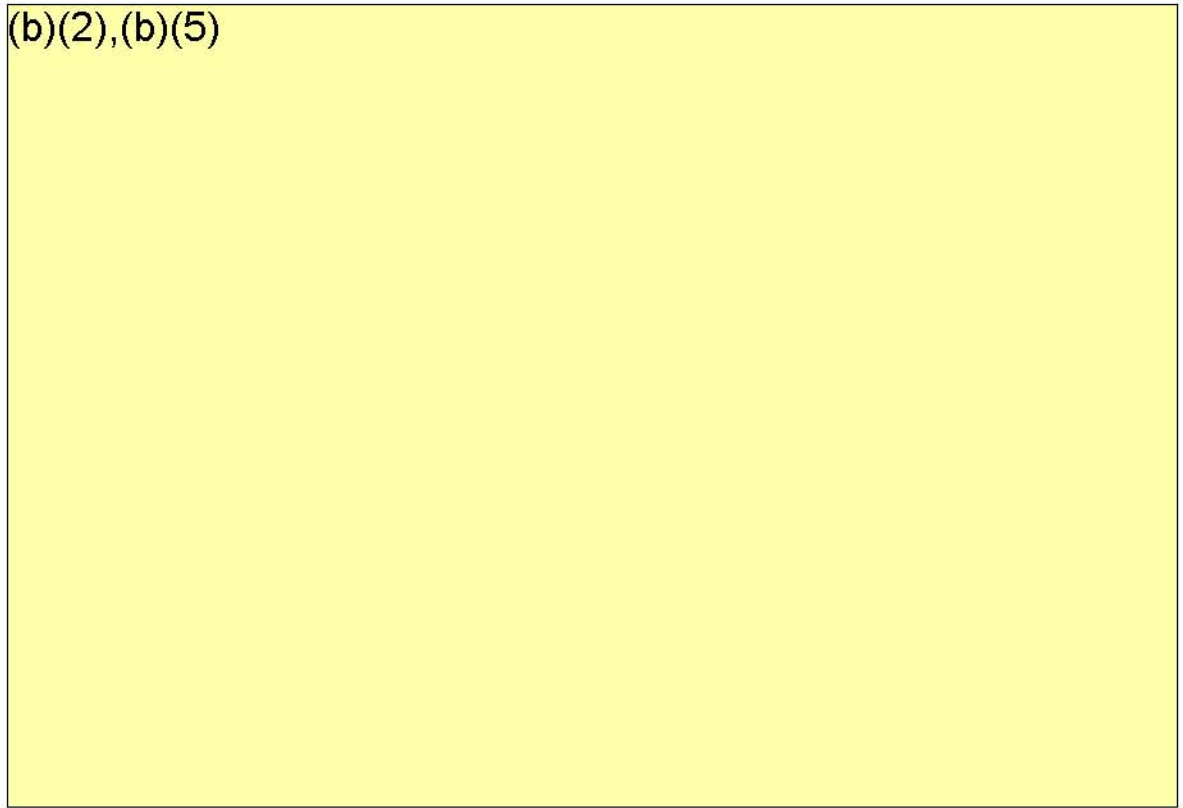
MESSAGE TO THE PRESIDENT'S MANAGEMENT COUNCIL:

The U.S. Department of Education (ED) is pleased to present this status report to the President's Management Council on "Improving Agency Disclosure of Information." This is in response to the Executive Order 13,392 mandate for actions to address the issue of ensuring a well-informed citizenry through an effective and citizen-centered Freedom of Information Act (FOIA) program.

Our team of FOIA Public Liaisons, FOIA Service Center support staff, and FOIA coordinators demonstrate top-level commitment to excellent performance. Since first reporting on the status of the Department of Education's FOIA program and *FOIA Improvement Plan* in February of this year, additional goals and milestones have been exceeded or met.

As reported in the Department's *Fiscal Year 2006 FOIA Annual Report* and presented in the Attorney General's Report to the President of June of this year, the Department of Education met all interim goals related to reducing the FOIA backlog, except one related to the 10-Oldest requests. The following is our "Updated Status Report" regarding this single interim goal:

(b)(2),(b)(5)



If you have additional questions or comments, please contact Lee Eiden, Director of Regulatory Information Management Services (202-245-6454 / [lee.eiden@ed.gov](mailto:lee.eiden@ed.gov)), or Angela Arrington, FOIA Public Liaison (202-245-6409 / [angela.arrington@ed.gov](mailto:angela.arrington@ed.gov)), or myself.

From: Eiden, Lee  
Sent: Friday, July 27, 2007 2:05 PM  
To: Hyler, James; Kendrick, Tony (Contractor)  
Subject: FW: ED Updated FOIA Status Report, July 2007 (Executive Order 13,392)

Importance: High

Tony,  
You are spot on. Thanks.

James,  
Will you please have this prepared as a letter response from the Assistant Secretary to "Clay Johnson, III, Chair of the President's Management Council" on Assistant Secretary letterhead. Check the initial instructions for the specifics. I will send. Perhaps Kim can help you out on this.  
Lee

---

Leo Eiden  
Director  
Regulatory Information Management Services  
Office of Management  
U.S. Department of Education  
Room 9149 - Potomac Center Plaza  
550 12th Street, SW, Washington, DC 20202  
Telephone: 202.245.6454  
Fax: 202.245.6623

-----Original Message-----

From: Kendrick, Tony (Contractor)  
Sent: Friday, July 27, 2007 12:58 PM  
To: Eiden, Lee  
Cc: Hyler, James  
Subject: RE: ED Updated FOIA Status Report, July 2007 (Executive Order 13,392)

Lee, good afternoon. Attached is the memo you sent out for review. I have adjusted the language regarding meeting all goals except one of the "10 oldest" interim goals.

It should be ready to be put on letterhead. I'll assist James in any way I can. - Tony

-----Original Message-----

From: Eiden, Lee  
Sent: Wednesday, July 18, 2007 11:10 AM  
To: Kendrick, Tony (Contractor)  
Subject: RE: ED Updated FOIA Status Report, July 2007 (Executive Order 13,392)

Tony,  
Thanks -- good point. If past is prologue then Mr. Hendricks will likely call me and I could posit that change at that time.  
Lee

-----Original Message-----

From: Kendrick, Tony (Contractor)  
Sent: Wednesday, July 18, 2007 11:08 AM  
To: Eiden, Lee

Subject: RE: ED Updated FOIA Status Report, July 2007 (Executive Order 13,392)

Lee, great memo!

(b)(2), (b)(5)

I made one change that didn't make it to the version you worked from. Perhaps it is spin - but instead of:

"the Department of Education did not meet one interim goal related to reducing the FOIA backlog."

You might consider revising as: "the Department of Education met all interim goals related to reducing the FOIA backlog, except one related to the 10-Oldest requests."

Don't want anyone to misread the sentence and conclude that we missed an entire goal. And the revision completely removes the phrase "did not meet," which might be something that sticks in their mind. "Met all" is the preferred retained idea!

Rephrasing doesn't really change the substance of the memo and, therefore, I don't think Hendricks needs to get another version. But I do recommend that the memo that leaves the Department might want to incorporate the suggested revision.

Just a thought. - Tony

-----Original Message-----

From: Eiden, Lee

Sent: Wednesday, July 18, 2007 10:46 AM

To: 'kenneth.a.hendricks@USDOJ.gov'

Cc: 'thomas.e.hitter@USDOJ.gov'; Clark, Michell; Butler, Donna; Arrington, Angela

Subject: FW: ED Updated FOIA Status Report, July 2007 (Executive Order 13,392)

Importance: High

Dear Mr. Hitter,

Please find the attached draft "Updated Status Report" by the U.S. Department of Education (ED) regarding the progress made in addressing our deficit interim milestone. We are prepared to transmit this report in final to the President's Management Council on August 1, should there be no problems with our draft.

Should you have any questions, please contact me or Angela Arrington, FOIA Public Liaison (202-245-6409 / [angela.arrington@ed.gov](mailto:angela.arrington@ed.gov)).

Sincerely,

Lee Eiden

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Lee Eiden

Director

Regulatory Information Management Services

Office of Management

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To: Principal FOIA Contacts and FOIA Public Liaisons

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<<DOJ 8-1-07 Guidance.June 28.doc>>

From: Arrington, Angela  
Sent: Thursday, June 28, 2007 2:31 PM  
To: Carter, Jennifer (Contractor); Kendrick, Tony (Contractor)  
Cc: Bingham, James C. (Contractor)  
Subject: FW: Guidance on Executive Order 13,392  
Importance: High

Jennifer/Tony,  
Please see email below from Lee. We need a draft response by Friday, July 13.

Thank you.

Angela

Angela Arrington  
Department Of Education - OM  
550 12th St. SW - Room 9156  
Washington, DC 20004  
work (202) 245-6409

-----Original Message-----

From: Eiden, Lee  
Sent: Thursday, June 28, 2007 2:18 PM  
To: Arrington, Angela  
Cc: Clark, Michell; Butler, Donna  
Subject: FW: Guidance on Executive Order 13,392  
Importance: High

Angela,

I just received the following email and guidance document. I am not sure who else this may have been sent to in the Department.

The report instructions are rather straightforward and the guidance is very similar to earlier information.

This is a short deadline to ensure that ED responds to DOJ by July 18. Can you please have our FOIA contract staff prepare the draft response by Friday, July 13. This will permit us enough time for review by ASM and OGC to ensure that we meet the deadline. Thanks.

Lee

Lee Eiden  
Director  
Regulatory Information Management Services  
Office of Management  
U.S. Department of Education  
Room 9149 - Potomac Center Plaza  
550 12th Street, SW, Washington, DC 20202  
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Subject: FW: ED Updated FOIA Status Report, July 2007 (Executive Order 13,392)

Importance: High

Follow Up Flag: Follow up  
Due By: Friday, July 13, 2007 5:00 PM  
Flag Status: Flagged

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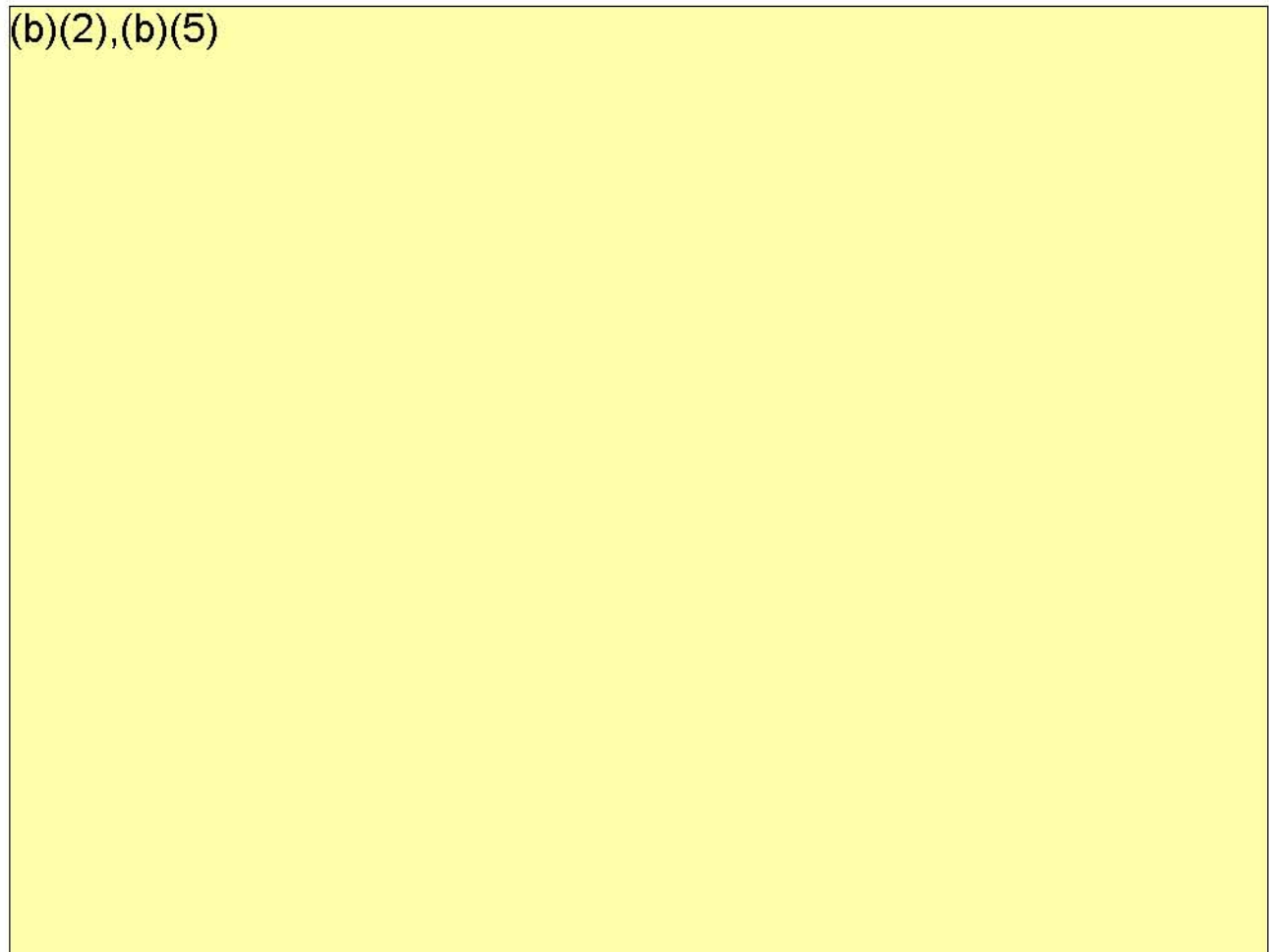
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Our team of FOIA Public Liaisons, FOIA Service Center support staff, and FOIA coordinators demonstrate top-level commitment to excellent performance. Since first reporting on the status of the Department of Education's FOIA program and *FOIA Improvement Plan* in February of this year, additional goals and milestones have been exceeded or met.

(b)(2),(b)(5)



If you have additional questions or comments, please contact Lee Eiden, Director of Regulatory Information Management Services (202-245-6454 / [lee.eiden@ed.gov](mailto:lee.eiden@ed.gov)), or Angela Arrington, FOIA Public Liaison (202-245-6409 / [angela.arrington@ed.gov](mailto:angela.arrington@ed.gov)), or myself.

From: Eiden, Lee

Sent: Thursday, February 01, 2007 3:25 PM

To: Mayes, Edgar; Monroe, Tanya; Long, Brenda; Cook, Elise; Sweet, Crystal; Lucier, Mary Grace; Dorka, Lilian; Kipp, Laura; Swann, Patrice; Edwards, Paul; Knight, Pat; Douglas-Scott, Terri.L; Kalnasy, Debbie; Winston, Kelly; Briscoe, Stephanie; Atkinson, Jack; Pettaway, LaShawn; Walton, Lavinia; Vest, Bette; Adams, Carolyn; Eason, Chaun; Toye, Theresa; Ford, Mary; Pinder, Lavern; Long, Brenda; Bugg, Linda; Hillary, Rosetta

Cc: ED Executive Officers; Eitel, Robert S.; Goodridge, Marcella; Goodman, Jennifer; Anderson, Scott; Butler, Donna; Clark, Michell; OM-RIMS

Subject: ED Electronic FOIA Reading Room (New Section: "Recently Added Documents")

In an effort to more proactively disclose documents and thereby reduce potential FOIA requests, Regulatory Information Management Services (OM/RIMS) has established a new section within the Department's electronic FOIA Reading Room entitled "Recently Added Documents." The link is now live and located at:

[http://www.ed.gov/policy/gen/leg/foia/readingroom\\_9.html](http://www.ed.gov/policy/gen/leg/foia/readingroom_9.html)

On December 14, 2005, the President issued Executive Order 13392, "Improving Agency Disclosure of Information." In the Order, the President directed each agency to conduct a review of its FOIA operations and prepare a plan for improving them. The Department submitted such a "FOIA Improvement Plan" to the Attorney General and the OMB Director (see ED's FOIA Plan at: <http://www.ed.gov/policy/gen/leg/foia/grants/edfoioplan.pdf>).

The ten (10) documents posted in this new section of the ED Electronic FOIA Reading Room demonstrate our agency's progress in this effort. Some of the posted documents reflect ED's commitment to "Proactive Disclosure." The intent of these postings reduce the need for the public to make a formal FOIA request, since the FOIA released version of the document is available in the e-FOIA Reading Room. Other documents have been added to the e-FOIA Reading Room because they were identified as documents meeting the information interest of the public and the Department. As indicated in the FOIA Improvement Plan for "Affirmative Disclosure," posting documents that are likely to generate FOIA requests are also intended to reduce the need for the public to submit a FOIA request.

All of the posted documents were previously released. It is important to note that under the "Affirmative" and "Proactive Disclosure" sections of the "FOIA Improvement Plan," documents expected to generate FOIA requests, but not yet requested under the FOIA, can also be posted to the Electronic Reading Room in a FOIA-redacted format. Principal Offices, through their FOIA Coordinators, are encouraged to send an e-mail to [EDFOIAManager@ed.gov](mailto:EDFOIAManager@ed.gov) (mailto:EDFOIAManager@ed.gov) identifying additional documents for posting.

OM/RIMS is pleased to work with you in this proactive effort.

Lee Eiden

Director

Regulatory Information Management Services

Office of Management

U.S. Department of Education

Room 9149 - Potomac Center Plaza

550 12th Street, SW, Washington, DC 20202

Telephone: 202.245.6454

Fax: 202.245.6623

From: Kendrick, Tony (Contractor)  
Sent: Thursday, November 16, 2006 1:51 PM  
To: Carter, Jennifer (Contractor)  
Subject: DRAFT Monthly Meeting Agenda

Jennifer, here is a draft agenda. Might be too much for one meeting. Then again, maybe it should be a 2-hour meeting. Feel free to edit as you see fit. (b)(6) - Tony

1. Review October Monthly Report

2. Review FOIA Improvement Plan progress

(b)(2),(b)(5)

3. Identify "routine request" documents and consider getting sample documents loaded into FOIA reading room on the web

(b)(2),(b)(5)

4. Nonresponsive

5. Nonresponsive

6. Generate agenda for Quarterly Meeting

(b)(2),(b)(5)

7. Generate agenda for Semi-Annual Meeting

From: Bingham, James C. (Contractor)  
Sent: Wednesday, October 25, 2006 8:19 AM  
To: Arrington, Angela  
Cc: Kendrick, Tony (Contractor); Carter, Jennifer (Contractor)  
Subject: RE: The Improvement Plan slides in PDF

Angela,

I am attaching a revised version of slides summarizing the FOIA Improvement Plan, that Tony had completed last week, for the purpose of presenting at the FOIA Coordinators meeting. I apologize if this revision did not get to you to review. It is somewhat more condensed than the earlier version, and is tuned to the FOIA Coordinators audience specifically. If you have time to review today, for final OK, that would be great. I will talk to you about it first.

-- Jim

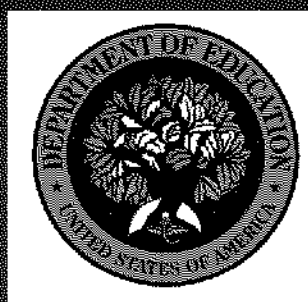
-----Original Message-----

From: Arrington, Angela  
Sent: Tuesday, October 24, 2006 2:56 PM  
To: Bingham, James C. (Contractor)  
Subject: FW: The Improvement Plan slides in PDF

This version of the Improvement plan should be used for the handouts. I believe this is the latest version. Please verify with Tony.

Angela Arrington  
Department Of Education - OM  
550 12th St. SW - Room 9156  
Washington, DC 20004  
work (202) 245-6409

# U.S. Department of Education



## FOIA Improvement Plan *(revised August 18, 2006)* IMPLEMENTATION PLAN HIGHLIGHTS

for the  
Information Management Customer Service Team (IMCST)  
and the  
Information Policy and Standards Team (IPAST)

# Improvement Plan Overview

- Directives to involve FOIA in record development and pre-release review.
- Revised ED FOIA Regulations
- FOIA Guidelines for multi-track, backlog reduction, and proactive disclosure actions
- Website updates and increased number of record postings.
- FOIA electronic processing training and emphasis areas

# **Improvement Plan**

## **IMPROVEMENT AREAS**

- I:           Affirmative Disclosure
- II:          Proactive Disclosure
- III:         FOIA Website
- IV:         Electronic FOIA
- V:          Multi-Track Processing
- VI:         Backlog Reduction / Elimination
- VII:        Field & Program Office Recommendations
- VIII:       FOIA Training & Guidance

# I. Affirmative Disclosure

- **Affirmative disclosure under subsection 3(b)(ii) of Executive Order 13392**
- **Goal:** Serve the interests of the public for information about ED operations and programs through proactive access to FOIA cleared documents likely to generate additional FOIA requests.

# I: Affirmative Disclosure Improvement

- By November 30, 2006, DRAFT a management directive indicating at what point in document development the ED FOIA Staff will be consulted for the purpose of modifying the document to avoid the need for the application of FOIA exemptions or that will minimize the need for, and time required to apply, FOIA exemptions.
  - Example: Before a new form or document format is approved for use, it will receive a FOIA review so that potential FOIA exemption material can be located to one section of a document or form. The user can then easily determine what information could be released to the public and what information is likely to be withheld.

# I: Affirmative Disclosure Improvement

- By December 29, 2006, DRAFT a management directive that will require a FOIA-releasable document be prepared for release concurrent with an announcement or public release of information related to a Department document.
  - Example: A press release about the award of a grant or contract would be issued when the grantee application is pre-cleared by FOIA for release, not before. [Grants awarded that are not announced with a press release would not be FOIA processed until a FOIA request is received.]
  - Example: Draft testimony will be reviewed by FOIA to identify any documents referenced in the testimony and have those documents pre-cleared by FOIA for release at the time the testimony is given.

# I: Affirmative Disclosure Improvement

- By March 30, 2007, implement a training module(s) for using the FOIA electronic processing program to determine what information has already been released (via the FOIA) to respond to incoming FOIA requests or general requests for information about documents of the agency.
  - Example: The FOIA processing program will automatically search for documents that have been released similar to the document description entered for new requests. To search effectively, document descriptions must describe the document clearly using standard descriptive entries – the requester search parameters or format delivery are not part of a document description.

## II: Proactive Disclosure

- **Proactive disclosure of records.**
- **Goal:** Make records available to the public on own initiative so that there is less likelihood that records will become the subjects of FOIA requests filed by persons who are interested in obtaining such records.

## II: Proactive Disclosure Improvement

- By June 29, 2007, in collaboration with ED Office of the Chief Financial Officer, Office of the Chief Information Officer, Office of Communications and Outreach, and the Office of General Counsel a Directive outlining a process and responsibilities to identify types of grant and contract awards that are likely to generate public interest and FOIA requests, obtain a final copy in advance of award, redact that copy, and have the redacted copies posted in the E-FOIA Reading Room coincident with any announcement.

## II: Proactive Disclosure Improvement

- By June 29, 2007, in collaboration with the Office of Communications and Outreach, identify record types that are likely to be of news media interest.
  - Prepare a FOIA-redacted version for concurrent release with any press, testimony, or operational announcement.
  - If documents referenced in public announcements are not releasable, assist public affairs with language or talking points that will explain the statutory justification for non-release of the documents.
  - Example: Press releases referencing ED documents (reports, testimony, directives, contracts, awards, policy changes, etc.) are made concurrent with pre-redacted FOIA versions of the referenced documents. Most referenced documents in FOIA format will generally be made available in the ED FOIA Electronic Reading Room within 24 hours of the press announcement.

## II: Proactive Disclosure Improvement

- By March 30, 2007, DRAFT a FOIA processing guideline to identify and post releasable material in the E-FOIA Reading Room and notify all requesters, within 24 hours of posting, of the internet availability of the requested documents. Guidance will include:

- **RULE-of-THREE:** Upon receipt of the third request for the same issue related document, unless other considerations apply, post responsive documents in the electronic reading room.
- **RULE-of-NEWS:** Once an ED issue is subject to widespread commentary in the media, proactively post issue-related documents in the electronic reading room without waiting for one or more FOIA requests to be received.

# III: FOIA Website Improvement

- Overall Website Improvement.
- Goal: Implement web enhancements as a result of a review of its current structure.

# III: FOIA Website Improvement

- By November 15, 2006, provide recommendations for improvement of the ED FOIA web pages. Include in the report outreach possibilities using the web, such as using the web for:
  - customer feedback questionnaires,
  - web-based FOIA status reports,
  - electronic submission of FOIA requests, and
  - recent FOIA news relevant to ED and requesters.

## IV: Electronic FOIA

- **Electronic FOIA -- Automated processing and security**
- **Goal:** Improve the automation of FOIA submissions and tracking process by using the full functionality of the FOIA electronic processing program and implement the FOIA processing program beyond Headquarters FOIA/PA staff. Use specialized CDs to assure requesters they have received an original official FOIA release of Department

## IV: Electronic FOIA Improvement

- Use the capability within the FOIA electronic processing program to improve identifying where a request is within the FOIA processing lifecycle,

(b)(2),(b)(5)

- Use the FOIA electronic processing program to increase delivery of secure format responses via e-mail or the internet.

(b)(2),(b)(5)

## IV: Electronic FOIA Improvement

- By December 31, 2007, complete the transition to using ED FOIA compact discs to provide documents electronically to requesters. This ensures that the documents contained on the CD are an official release by the ED FOIA program. Subsequent duplication, by requesters, of the original released CD would not be a sufficient basis for an appeal of a misapplication of an exemption or the failure to apply an exemption.
- Example: Documents on a FOIA CD are assumed to be validation of an official FOIA release of the documents contained on the CD. Further validation is recording the CD hub number (of the ED FOIA CD or any CD used to provide official release ED documents) in the FOIA electronic processing program and citing the hub number in any release correspondence.

# V: Multi-Track Processing

- **Multi-Track Processing**
- **Goal:** Establish and implement, for FY 2007, multi-tracks for processing FOIA/PA requests across the Department.

# V: Multi-Track Processing Improvement

- **Simple Track:** Requests that can be completed in 1 to 5 workdays from the date of receipt of the request. Simple requests are those for which there are no responsive records or responsive records are available from prior requests. Simple requests are usually focused and limited in scope.
- **Routine Track:** Requests that can be completed within 20 workdays from the date of receipt of the request. Routine requests are those for which responsive records can be located and obtained quickly. Routine requests do not require extensive consultation with other entities to finalize a release determination and response. Routine requests are usually focused and limited in scope.

# V: Multi-Track Processing Improvement

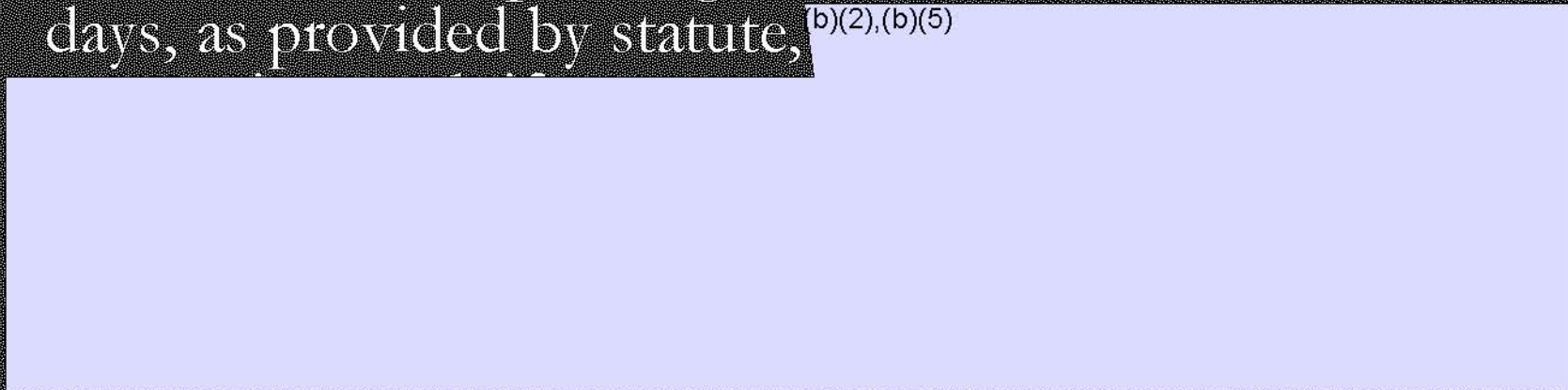
- **Complex Track:** Requests that require more than 20 workdays to process from the date of receipt. Complex requests are those that involve an extensive search, a lengthy review process because of the volume of records, and/or the need for numerous consultations. Complex requests are sometimes broadly focused and possibly historical in nature and, therefore, not limited in scope. Because complex requests exceed the statutory time limit for a response, the requester will be notified in writing that their request has been placed in the complex track, and they will be provided all other information as required by statute and regulations.
- **Expedited Track:** Requests that meet the statutory and regulatory requirements to be granted expedited processing and placed in this track (in lieu of being placed in the simple, routine, or complex track). This is not a new track, but is affected by the implementation of the three additional tracks described above.

# VI: Backlog Reduction/Elimination

- **Backlog Reduction/Elimination.**
- **Goal:** Reduce, or eliminate, the backlog of pending requests (480 as of June 2, 2006) through a focused Backlog Reduction Effort, with special attention to eliminating the “10- Oldest” requests (as of October 1, 2006). The target goal is to have no requests pending for more than 90 days.

# VI: Backlog Reduction/Elimination Improvement

- **Monthly:** The ED FOIA Officer will identify the number of cases pending for more than 20 business days, as provided by statute, (b)(2),(b)(5)



- **Quarterly:** The ED FOIA Officer and the RIMS Director, will review FOIA processor workload and pending backlog to determine whether to redistribute cases and resources, or augment resources.

# VI: Backlog Reduction/Elimination Improvement

- **Semi-Annually:** Review, with the ED Chief FOIA Officer, the FOIA program and procedures to identify additional opportunities to further reduce backlog of requests (b)(2),(b)(5)

- This review will include identification of additional resources (such as services, materials, and human resources) needed and begin a budget request justification document, if necessary.
- This review will include a review of significant FOIA cases or processing issues and identify solutions to processing barriers.

# **VI: Backlog Reduction/Elimination Improvement**

- Implement a “10 Oldest” Backlog Reduction Effort.
  - By January 31, 2007, close the 10-oldest cases identified in October 2006.
  - By January 31, 2008, close the 10-oldest cases identified in October 2007.

## **VII: Improvement Ideas from Field and Program Office Staff**

- Improvement ideas from field and program office staff.
- **Goal:** Implement FOIA processing software in Office for Civil Rights Regional Offices.

## **VII: Improvement Ideas from Field and Program Office Staff**

- By March 30, 2007, implement a pilot FOIA electronic processing program in two OCR Regional Offices (San Francisco, CA, and Philadelphia, PA).
- By May 30, 2007, implement the FOIA Electronic Processing Program in remaining ten OCR Regional Offices.

# VIII: Training and Guidance

- Training and Guidance.
- **Goal:** Develop a strategic FOIA/PA awareness outreach training/guidance program for all ED employees

(b)(2),(b)(5)

# VIII: Training & Guidance Improvement

- By December 29, 2006, issue a Standard Operating Procedure (SOP) that will include repeatable FOIA processing and guidance.
- Initiate quarterly training workshops for FOIA Coordinators.
- Review Departmental FOIA/PA Directives annually, update as needed.
- By December 31, 2008, develop and issue selection and process guidelines for FOIA processors, FOIA Coordinators, and FOIA collateral duty staff.
- By June 29, 2007, publish the revised Department of Education FOIA Regulations in the Federal Register.

From: Arrington, Angela  
Sent: Wednesday, September 20, 2006 9:36 AM  
To: Kendrick, Tony (Contractor)  
Subject: RE: As requested - the powerpoint and the deadlines documents.

Thanks.

Angela Arrington  
Department Of Education - OM  
550 12th St. SW - Room 9156  
Washington, DC 20004  
work (202) 245-6409

-----Original Message-----

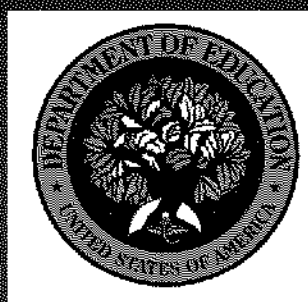
From: Kendrick, Tony (Contractor)  
Sent: Wednesday, September 20, 2006 9:35 AM  
To: Arrington, Angela  
Cc: Carter, Jennifer (Contractor)  
Subject: As requested - the powerpoint and the deadlines documents.

Angela, good morning.

They have both been updated. (I just finished the Deadlines one and haven't had time for an in-depth review, but I'm pretty confident all the "leads" are correct.)

They're attached. Thanks! - Tony

# U.S. Department of Education



## FOIA Improvement Plan

August 18, 2006 (revised)

## Implementation Plan

for the

Information Management Customer Service Team (IMCST)

and the

Information Policy and Standards Team (IPAST)

September 18, 2006

# Improvement Plan Overview

(b)(2),(b)(5)



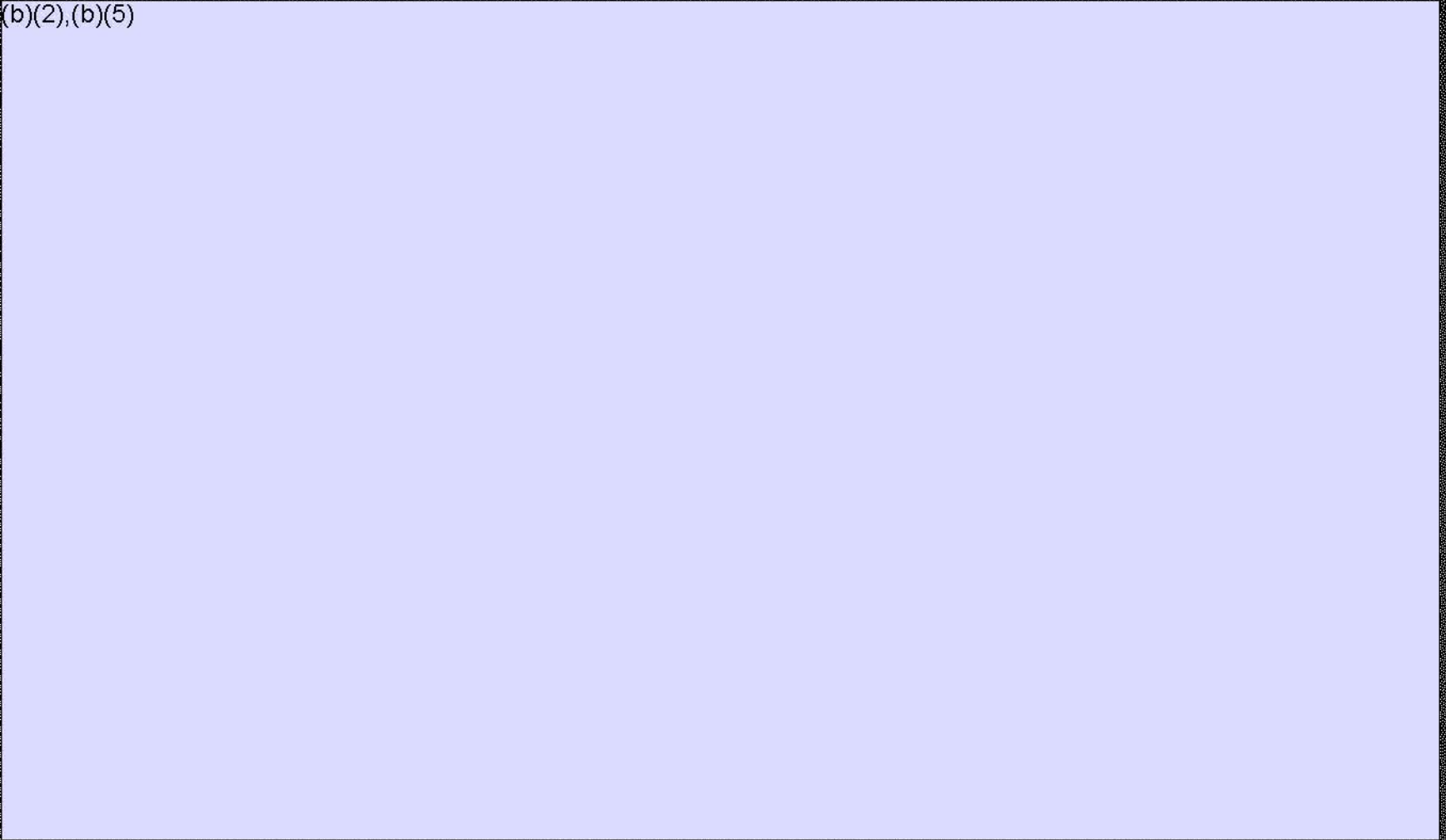
September 18, 2006

# I. Affirmative Disclosure

- **Affirmative disclosure under subsection 3(b)(ii) of Executive Order 13392**
- **Goal:** Serve the interests of the public for information about ED operations and programs through proactive access to FOIA cleared documents likely to generate FOIA requests.

# I: Affirmative Disclosure Improvement

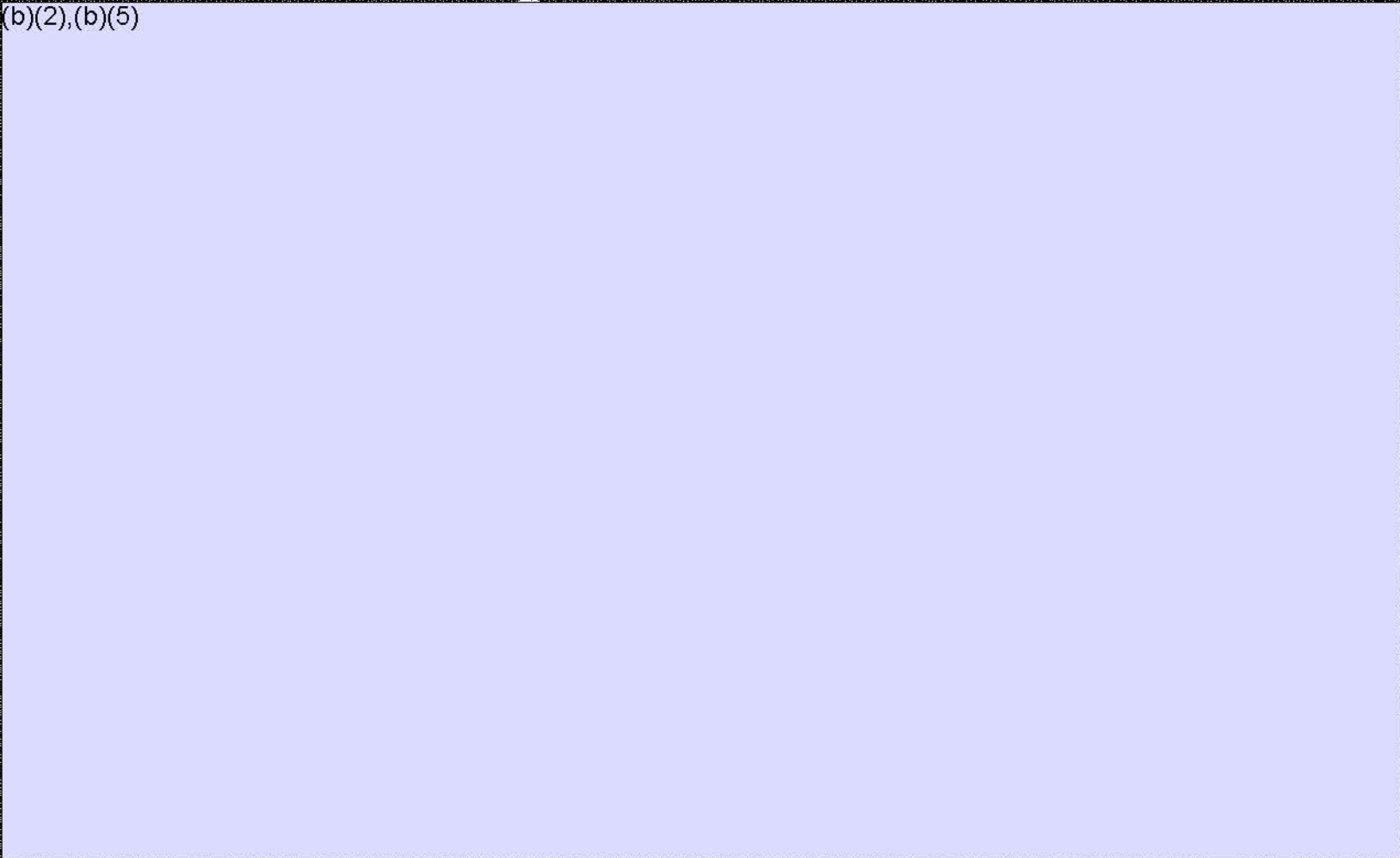
(b)(2),(b)(5)



September 18, 2006


# I: Affirmative Disclosure Improvement

■ (b)(2),(b)(5)



# I: Affirmative Disclosure Improvement

(b)(2),(b)(5)



# I: Affirmative Disclosure Improvement




(b)(2),(b)(5)

## II: Proactive Disclosure

- **Proactive disclosure of records.**
- **Goal:** Make records available to the public on own initiative so that there is less likelihood that records will become the subjects of FOIA requests filed by persons who are interested in obtaining such records.

# II: Proactive Disclosure Improvement


(b)(2),(b)(5)



September 18, 2006


## II: Proactive Disclosure Improvement

■ (b)(2),(b)(5)



# II: Proactive Disclosure Improvement

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September 18, 2006


## II: Proactive Disclosure Improvement



(b)(2),(b)(5)

# II: Proactive Disclosure Improvement

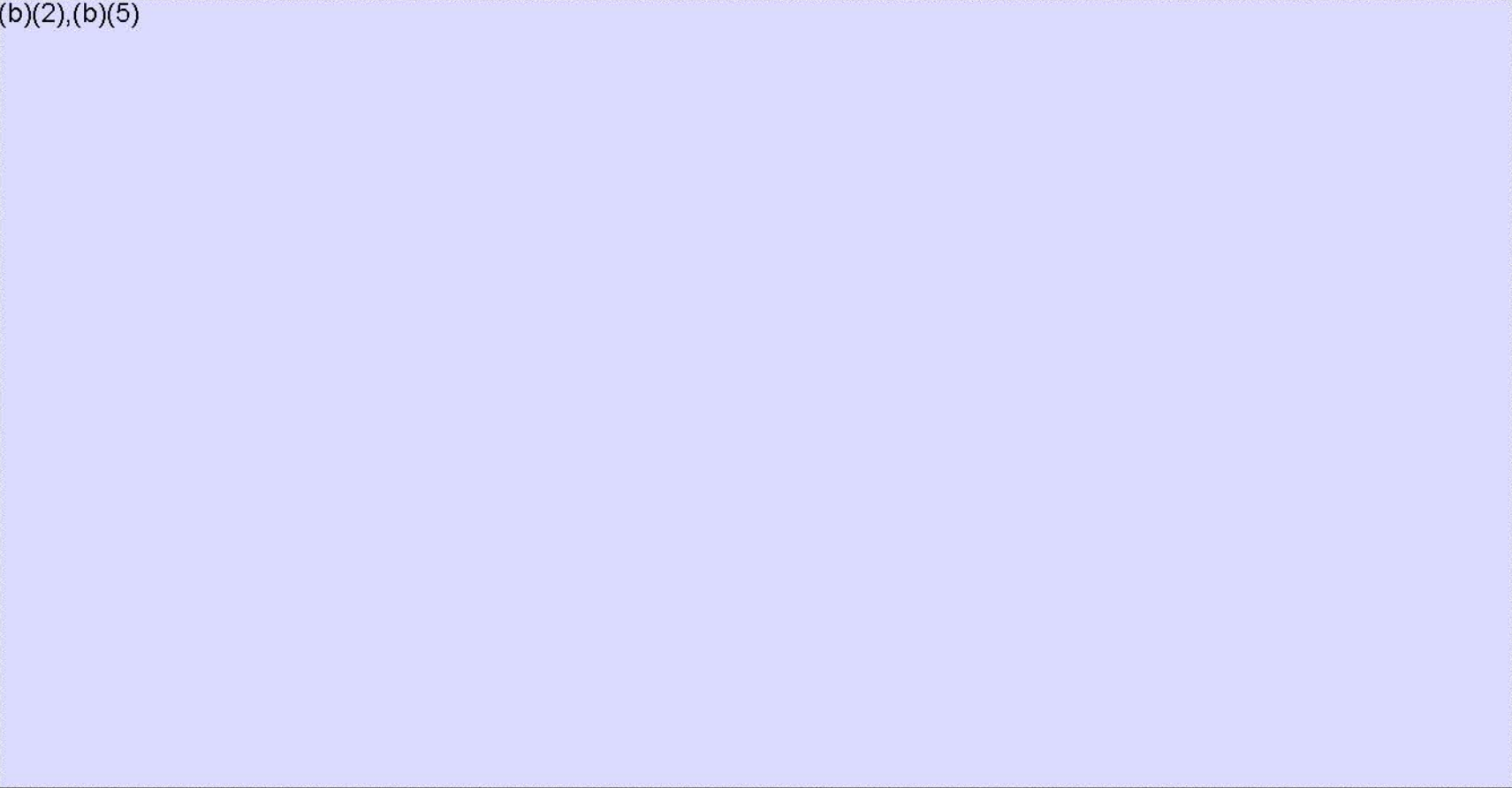
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September 18, 2006

# II: Proactive Disclosure Improvement


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September 18, 2006

# II: Proactive Disclosure Improvement

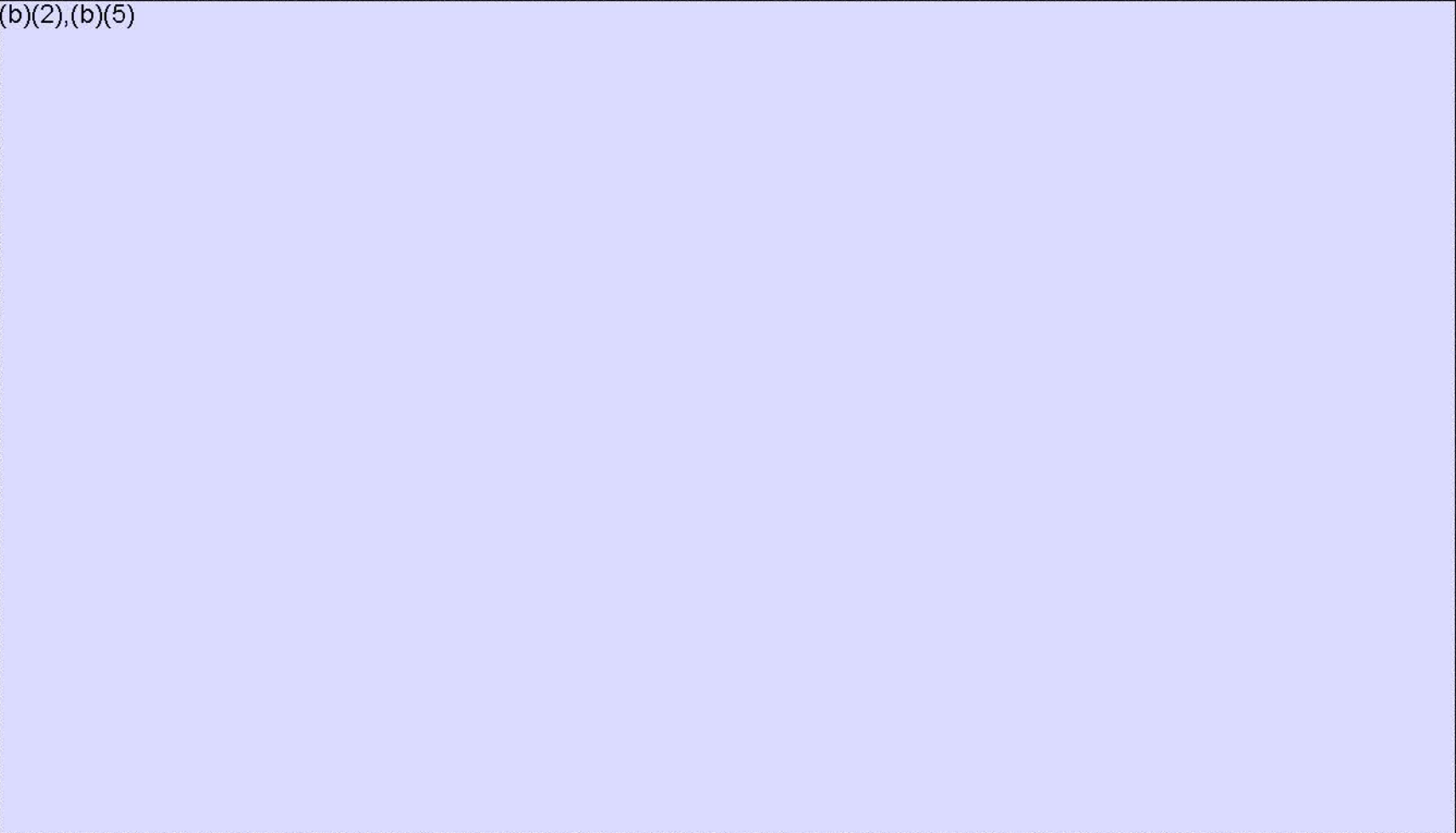
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September 18, 2006

# II: Proactive Disclosure Improvement

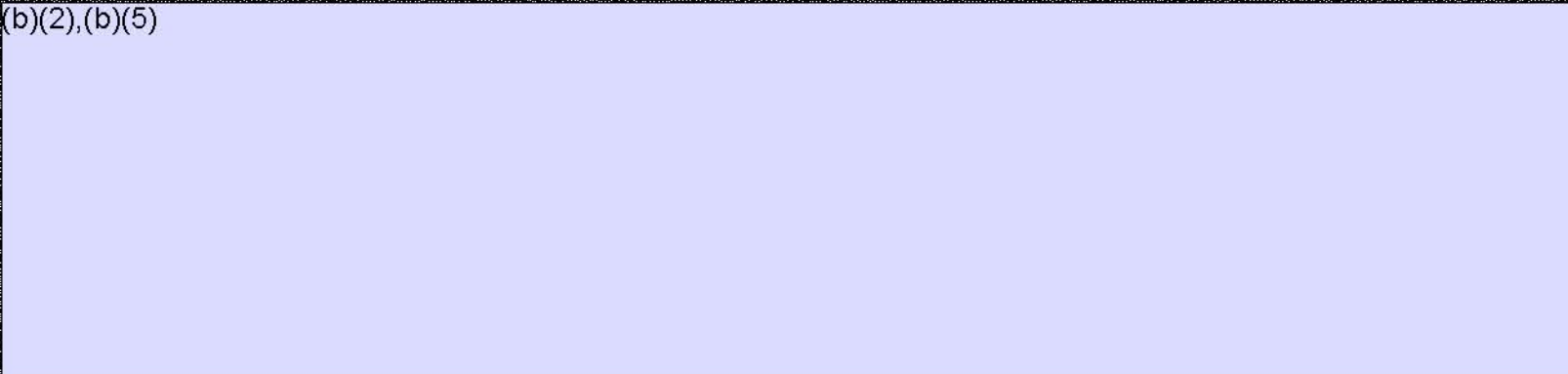
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September 18, 2006

## II: Proactive Disclosure Improvement

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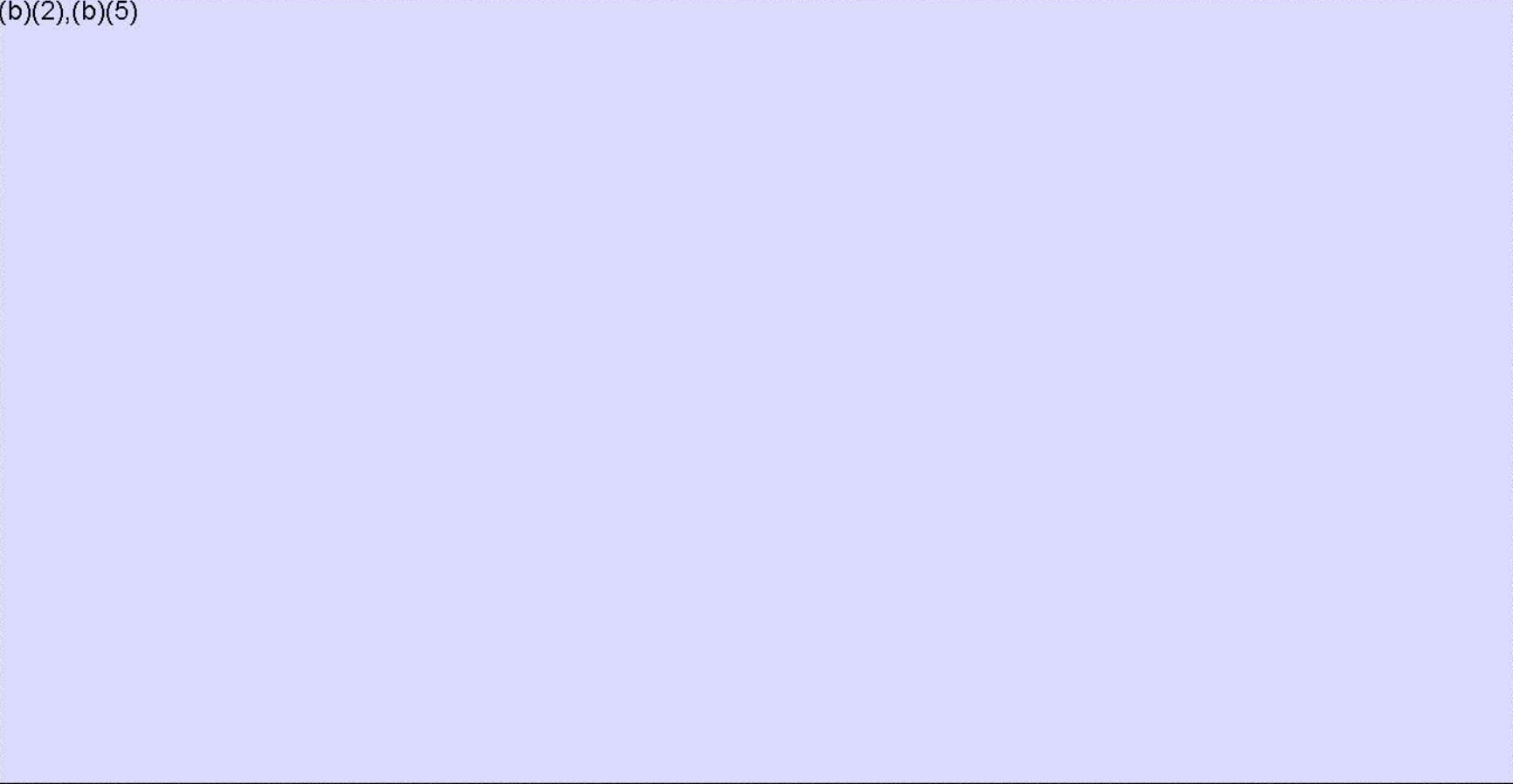


# III: FOIA Website Improvement

- **Overall Website Improvement.**
- **Goal:** Implement web enhancements as a result of a review of its current structure.

# III: FOIA Website Improvement

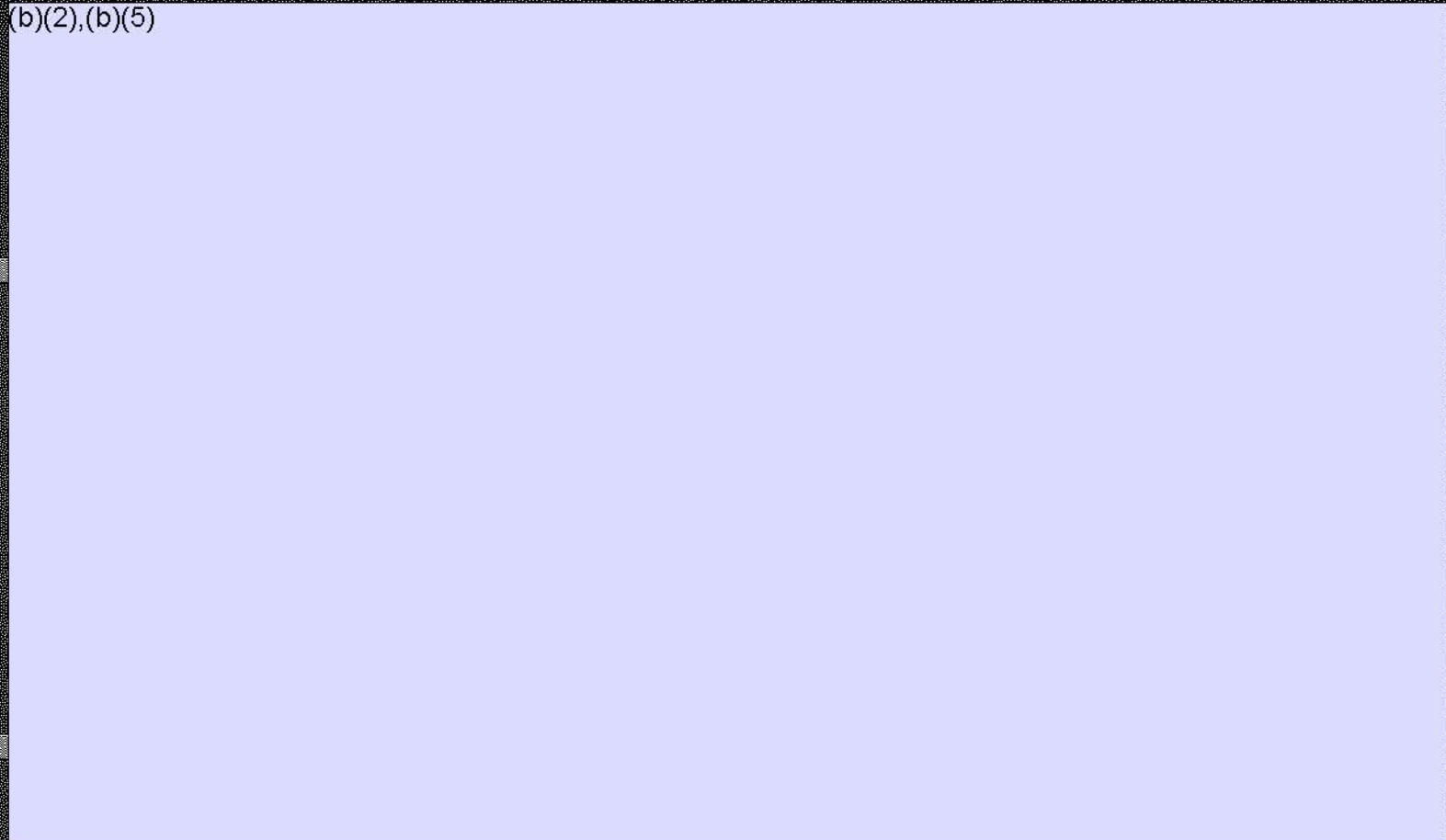
(b)(2),(b)(5)



September 18, 2006

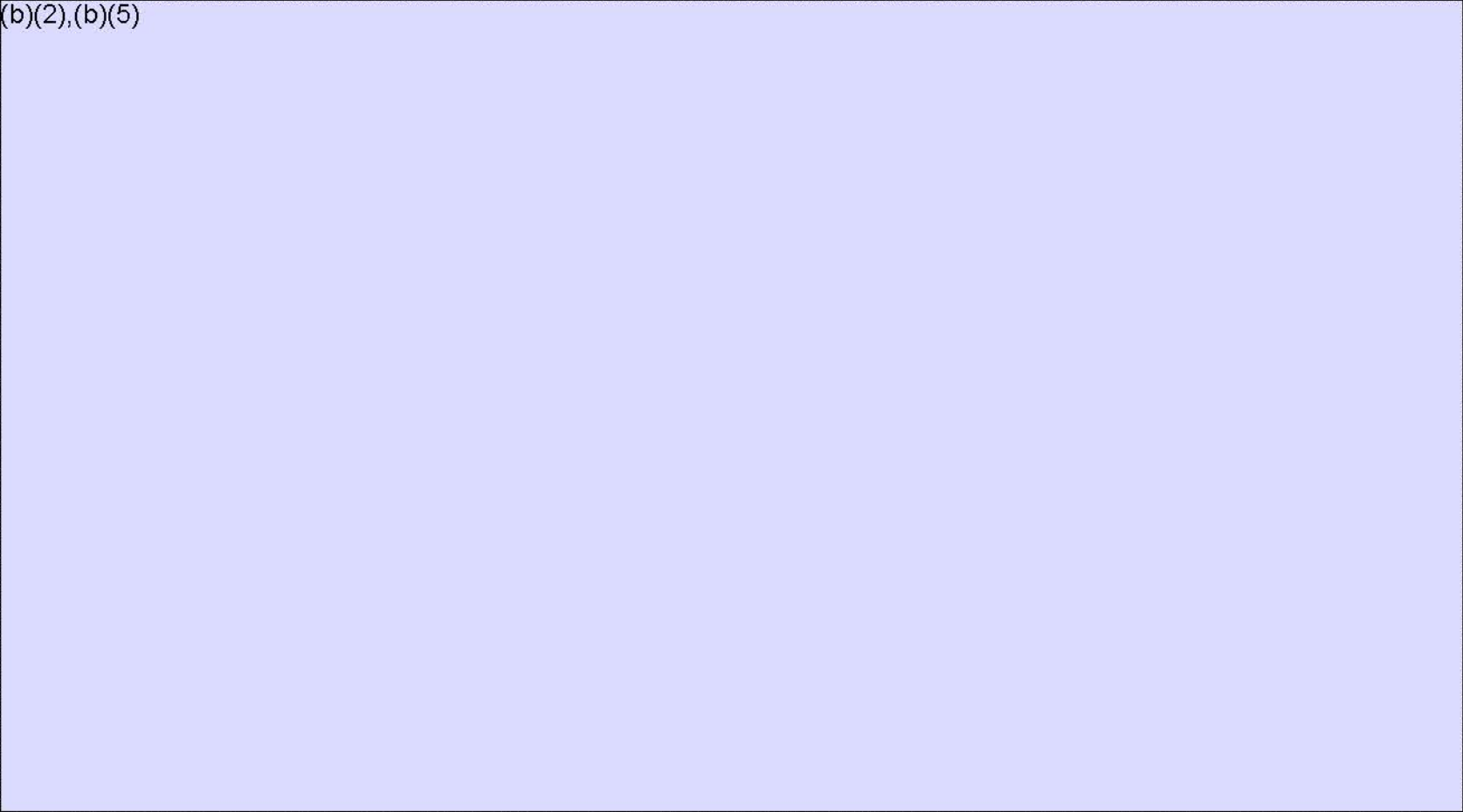
# III: FOIA Website Improvement

(b)(2),(b)(5)



# III: FOIA Website Improvement

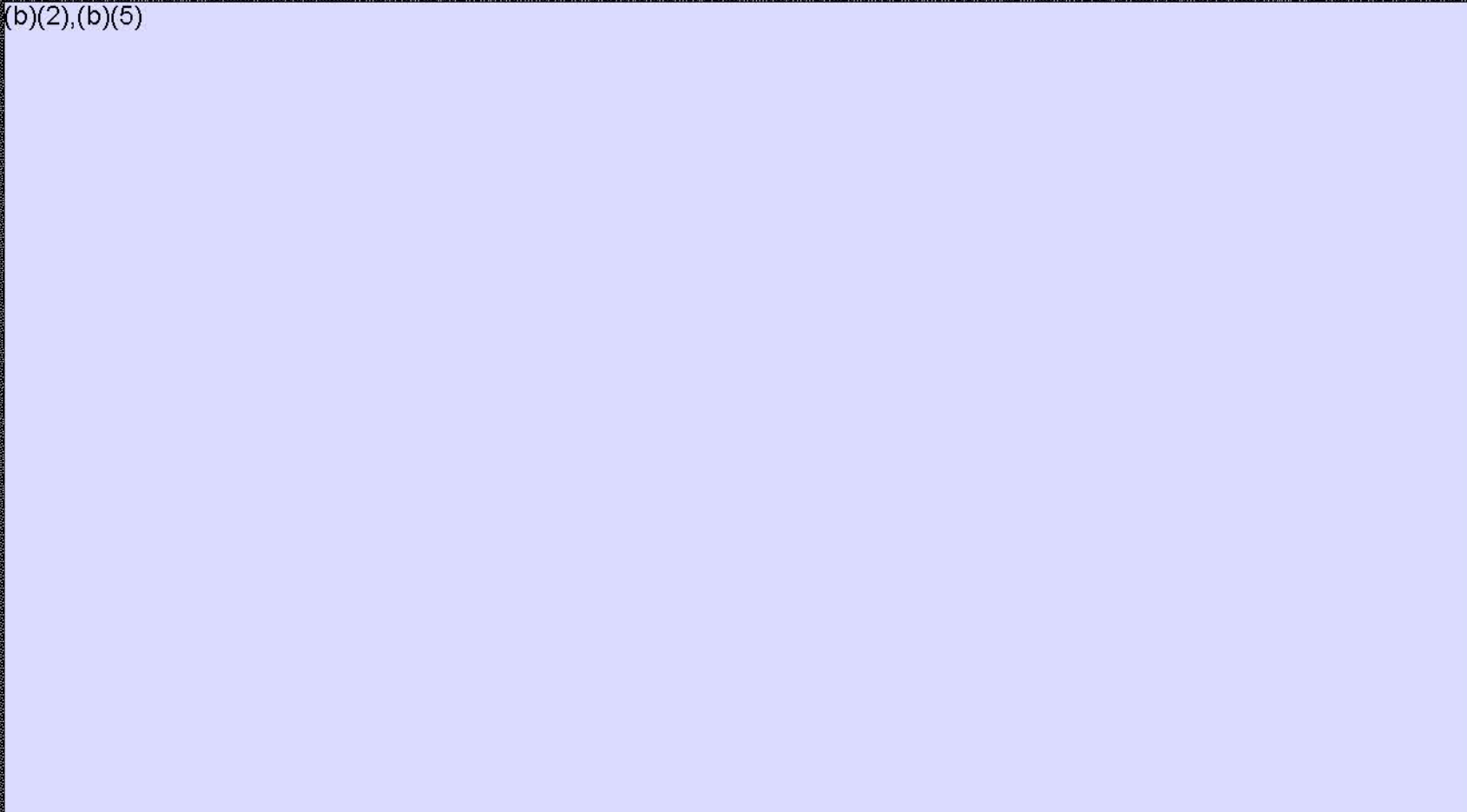
(b)(2),(b)(5)



September 18, 2006

# III: FOIA Website Improvement

(b)(2),(b)(5)



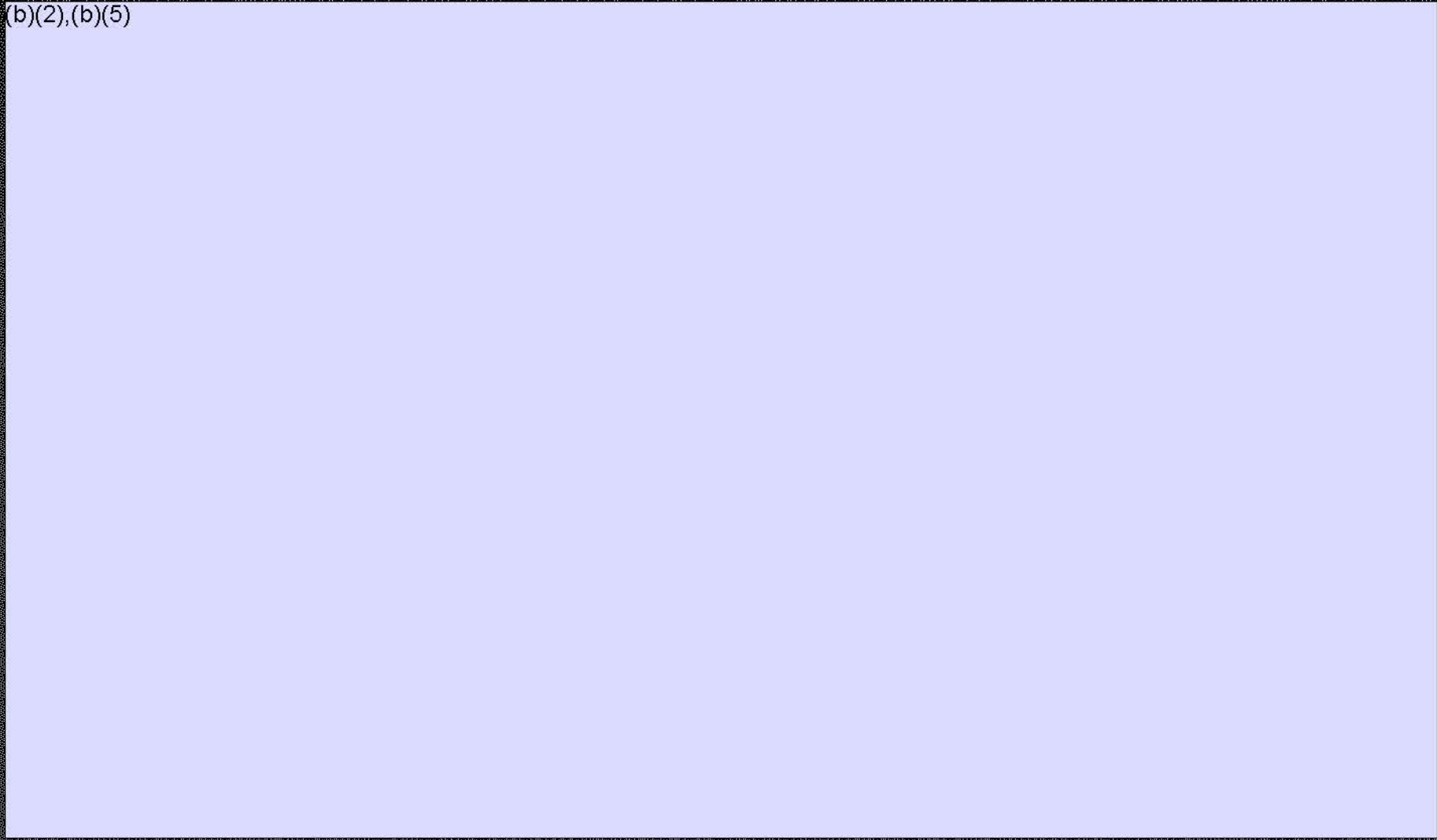
September 18, 2006

## IV: Electronic FOIA

- **Electronic FOIA -- Automated processing and security**
- **Goal:** Improve the automation of FOIA submissions and tracking process by using the full functionality of the FOIA electronic processing program and implement the FOIA processing program beyond Headquarters FOIA/PA staff. Use specialized CDs to assure requesters they have received an original and official FOIA release of Department

# IV: Electronic FOIA Improvement


(b)(2),(b)(5)



September 18, 2006

# IV: Electronic FOIA Improvement


(b)(2),(b)(5)



September 18, 2006

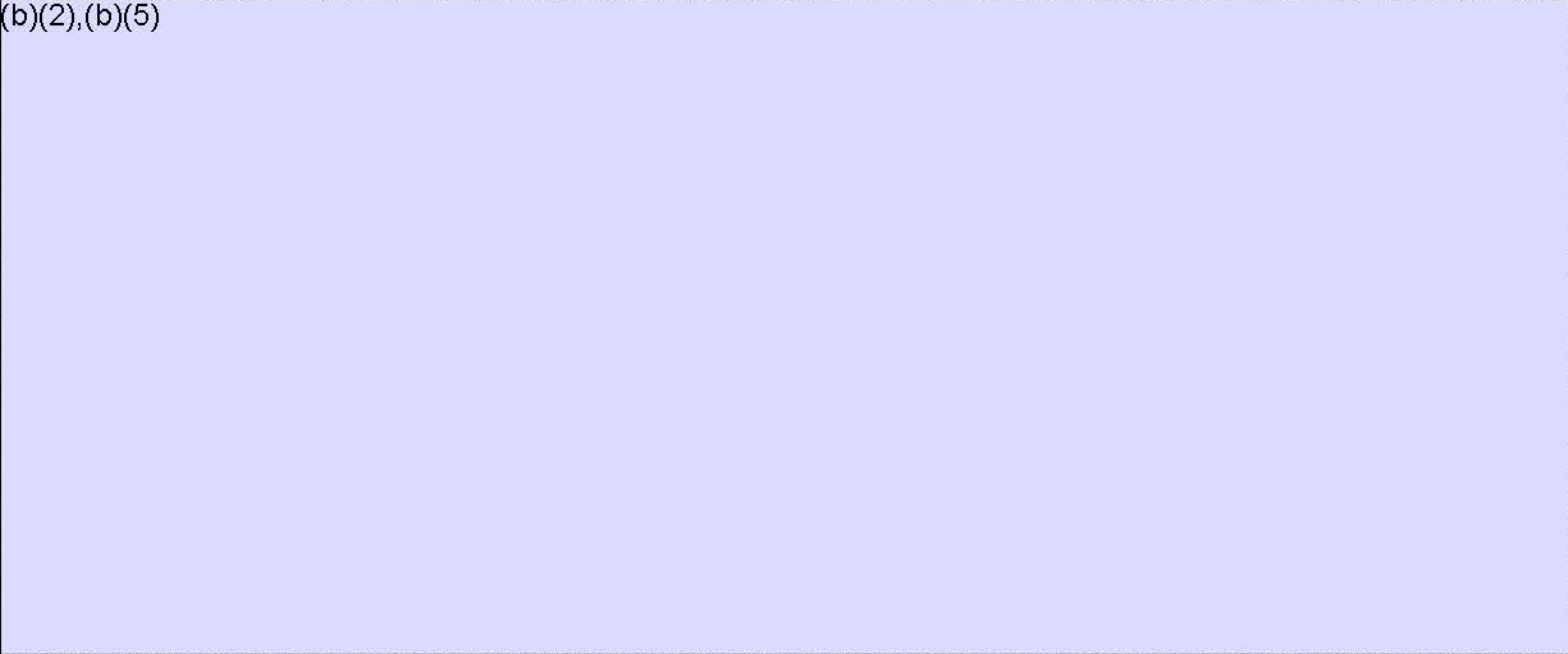
# IV: Electronic FOIA Improvement

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September 18, 2006

# IV: Electronic FOIA Improvement

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# IV: Electronic FOIA Improvement

(b)(2),(b)(5)



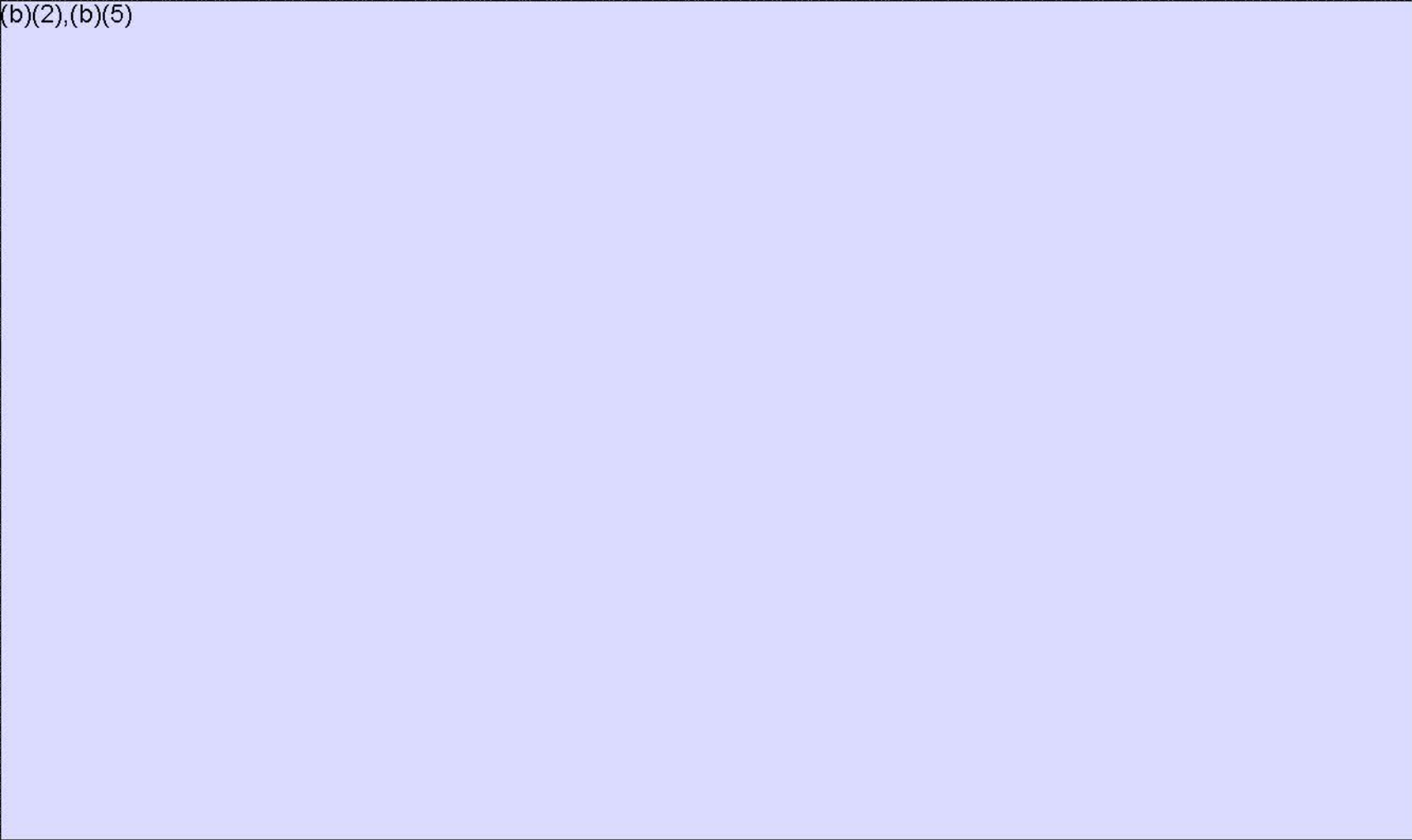
September 18, 2006

# V: Multi-Track Processing

- **Multi-Track Processing**
- **Goal:** Establish multi-tracks for processing FOIA/PA requests across the Department.

# V: Multi-Track Processing Improvement

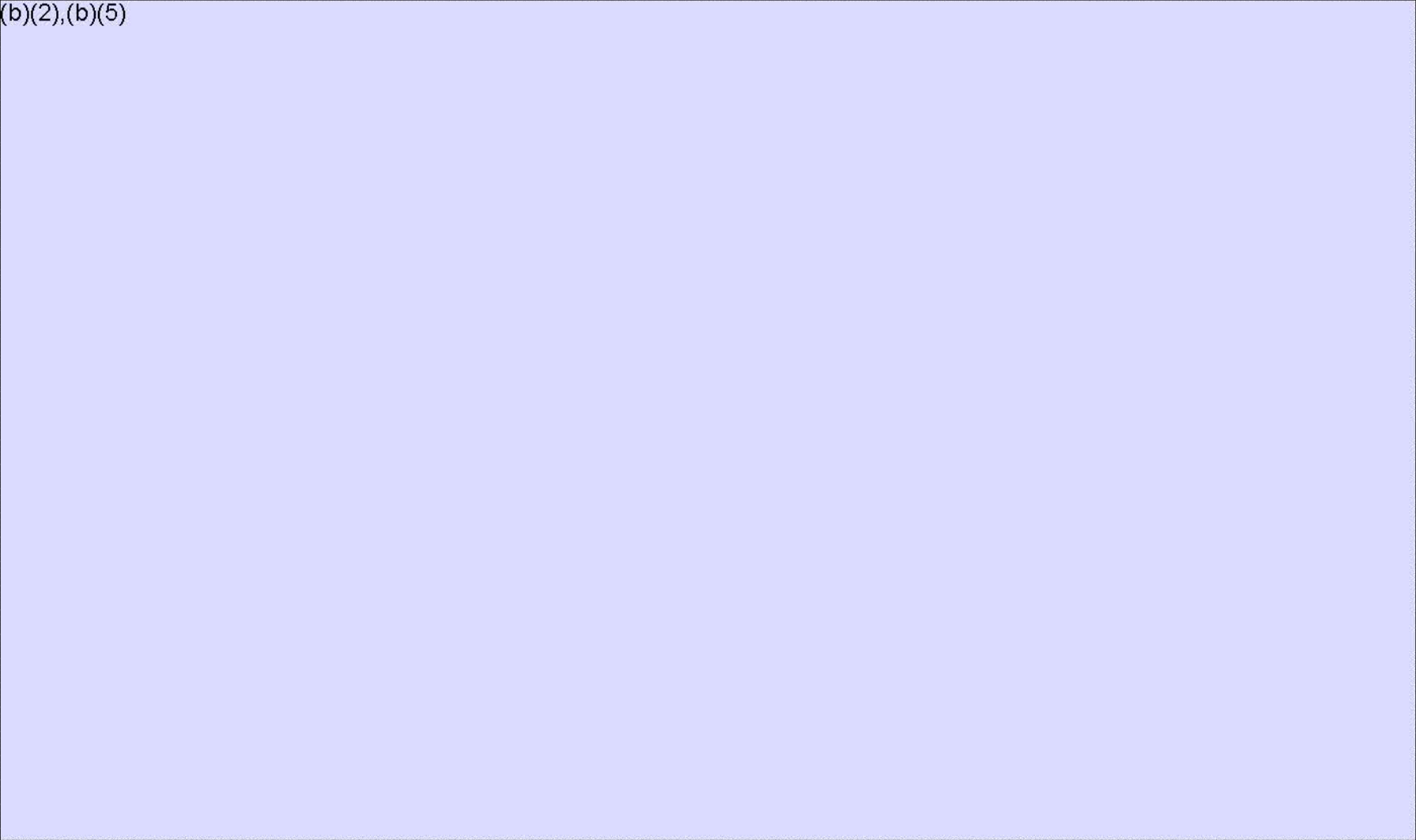
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September 18, 2006

# V: Multi-Track Processing Improvement

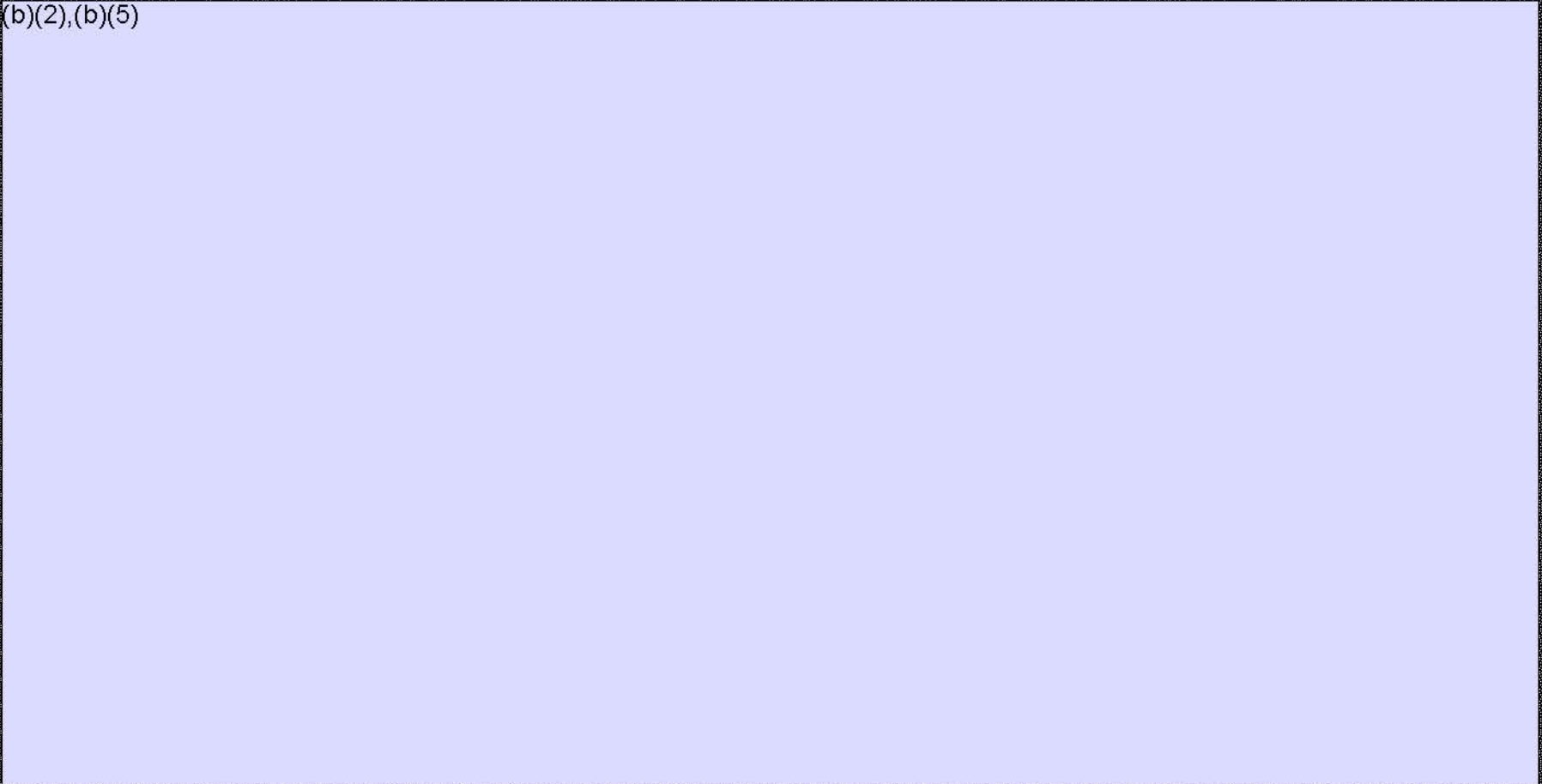
(b)(2),(b)(5)



September 18, 2006

# V: Multi-Track Processing Improvement

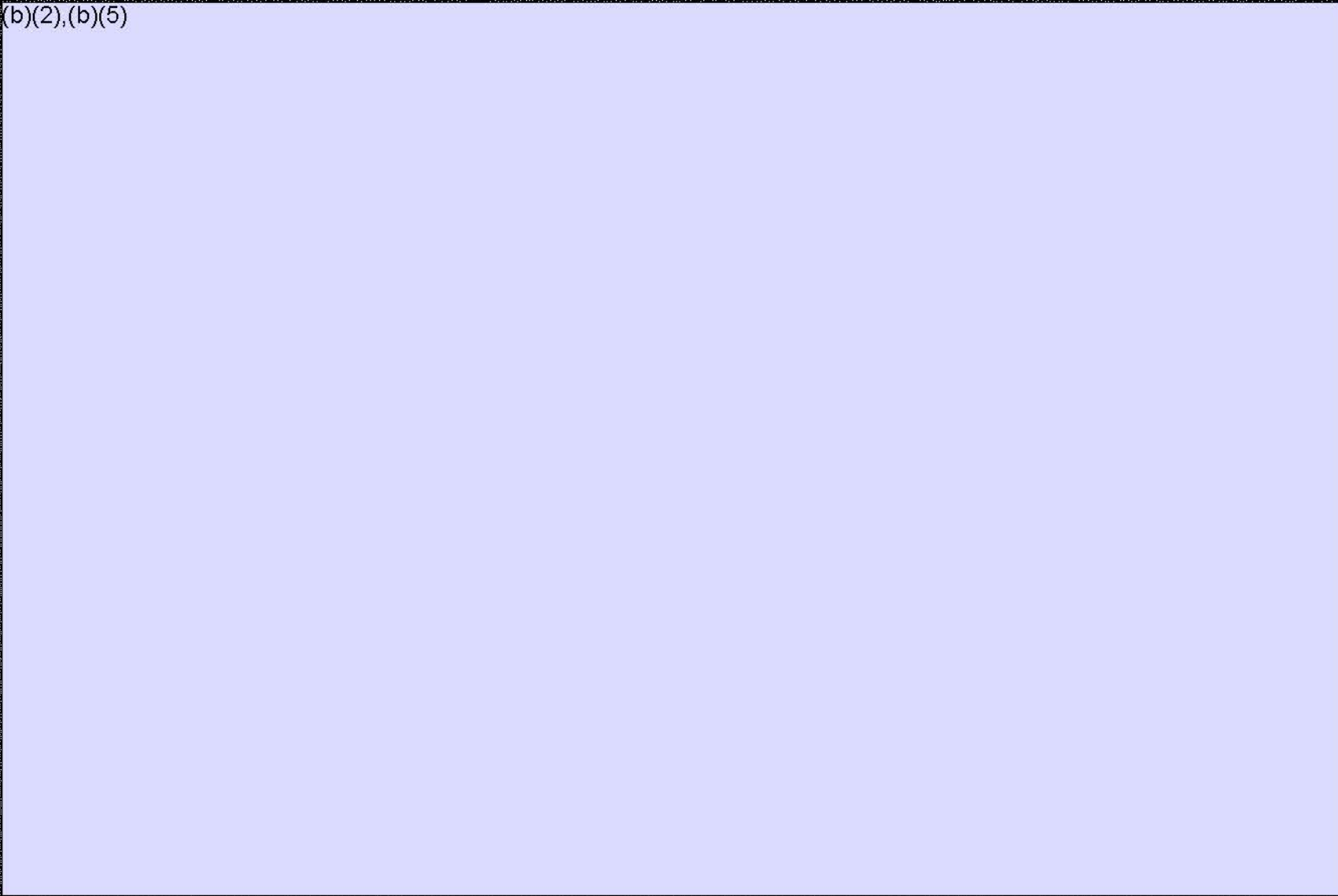
(b)(2),(b)(5)



September 18, 2006

# V: Multi-Track Processing Improvement


(b)(2),(b)(5)



September 18, 2006

# V: Multi-Track Processing Improvement

(b)(2),(b)(5)




September 18, 2006

# VI: Backlog Reduction/Elimination

- **Backlog Reduction/Elimination.**
- **Goal:** Reduce, or eliminate, the backlog of pending requests (480 as of June 2, 2006) through a focused Backlog Reduction Effort, with special attention to eliminating the “10- Oldest” requests (as of October 1, 2006). (b)(2),(b)(5)

# VI: Backlog Reduction/Elimination Improvement

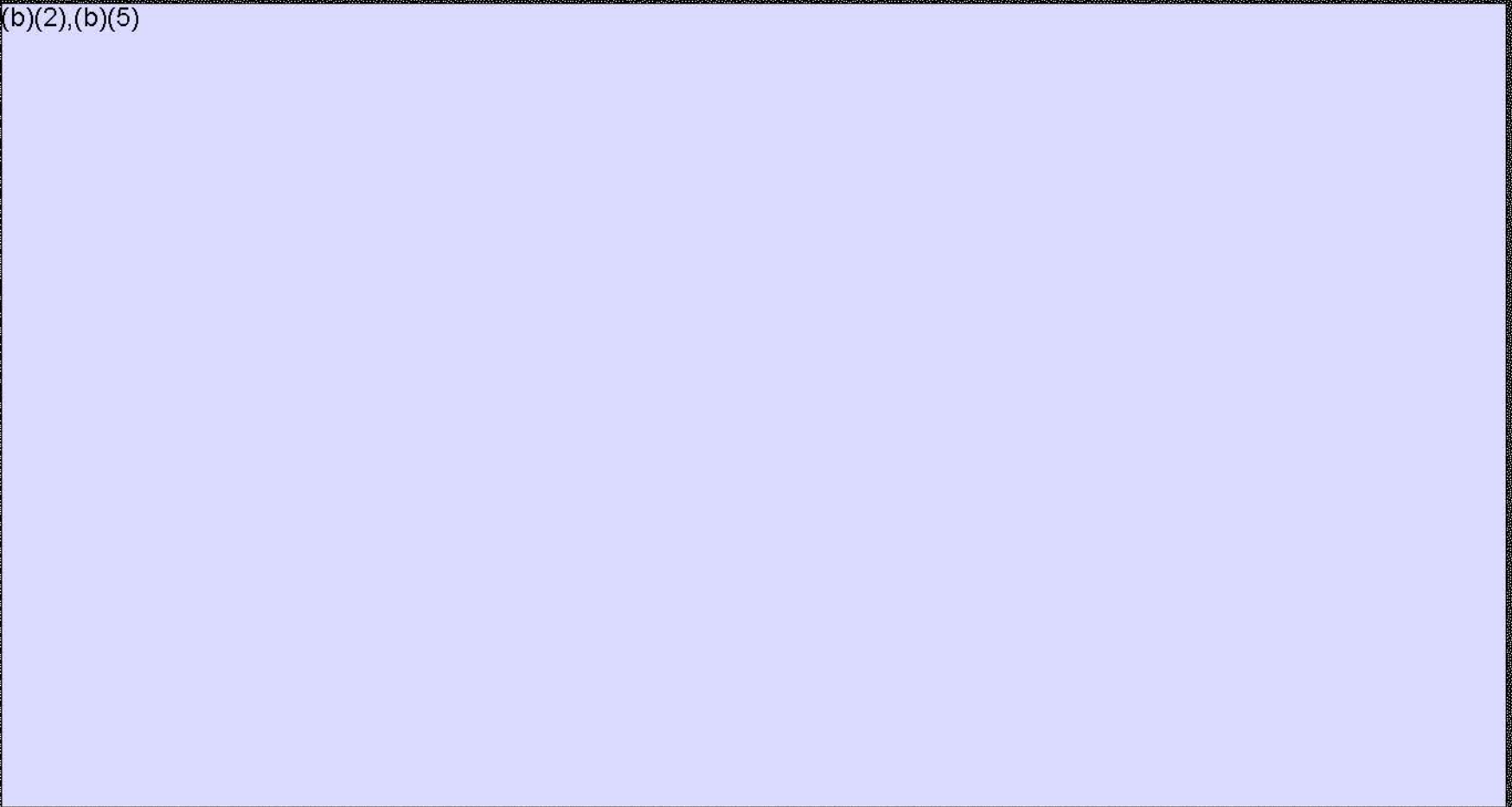
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September 18, 2006


# VI: Backlog Reduction/Elimination Improvement

■ (b)(2),(b)(5)

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# VI: Backlog Reduction/Elimination Improvement

(b)(2),(b)(5)



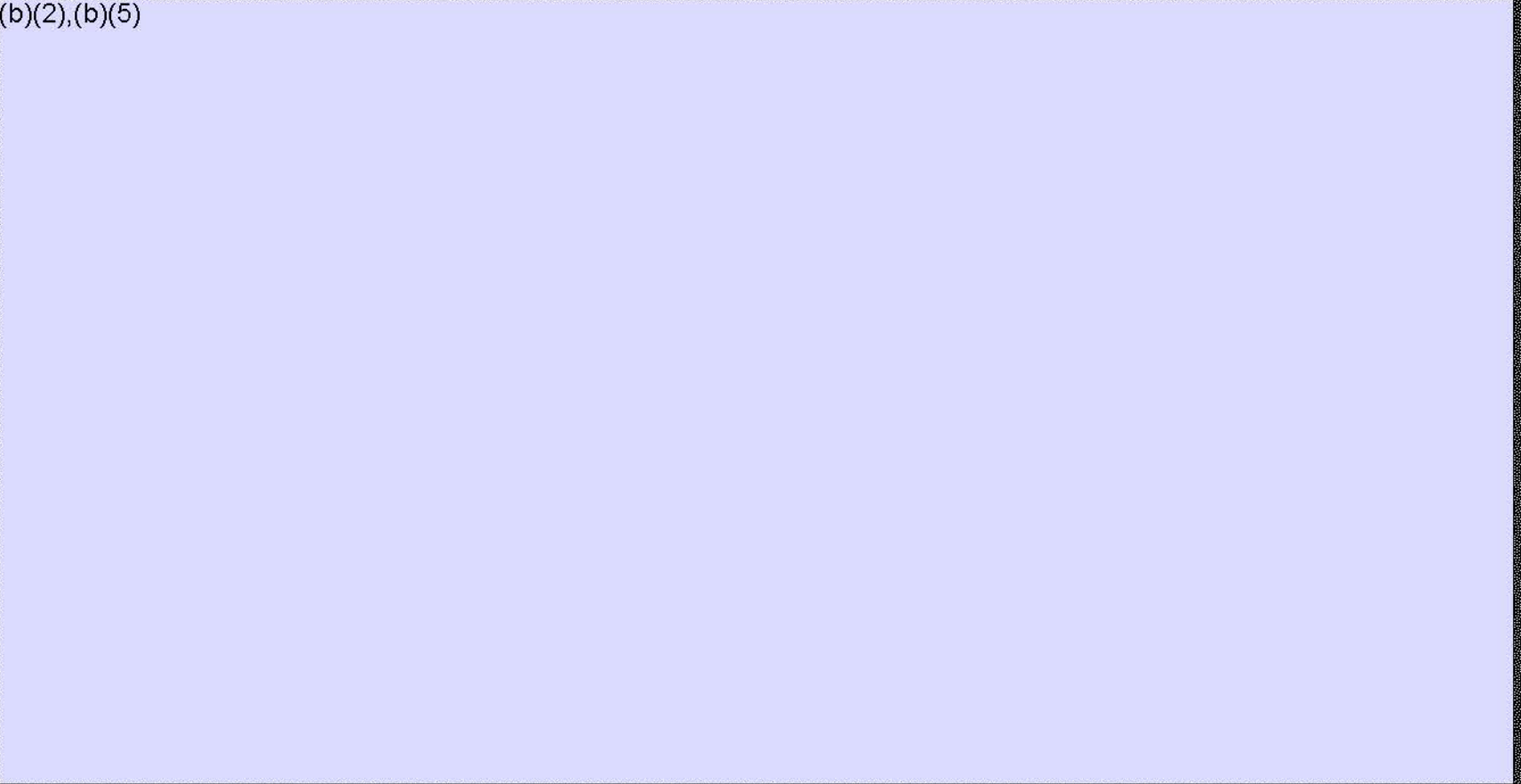
September 18, 2006

## VII: Improvement Ideas from Field Office Personnel

- Improvement ideas from field office personnel.
- **Goal:** Implement FOIA processing software in Office for Civil Rights Regional Offices.

# VII: Improvement Ideas from Field Office Personnel


(b)(2),(b)(5)



September 18, 2006

# VII: Improvement Ideas from Field Office Personnel

(b)(2),(b)(5)



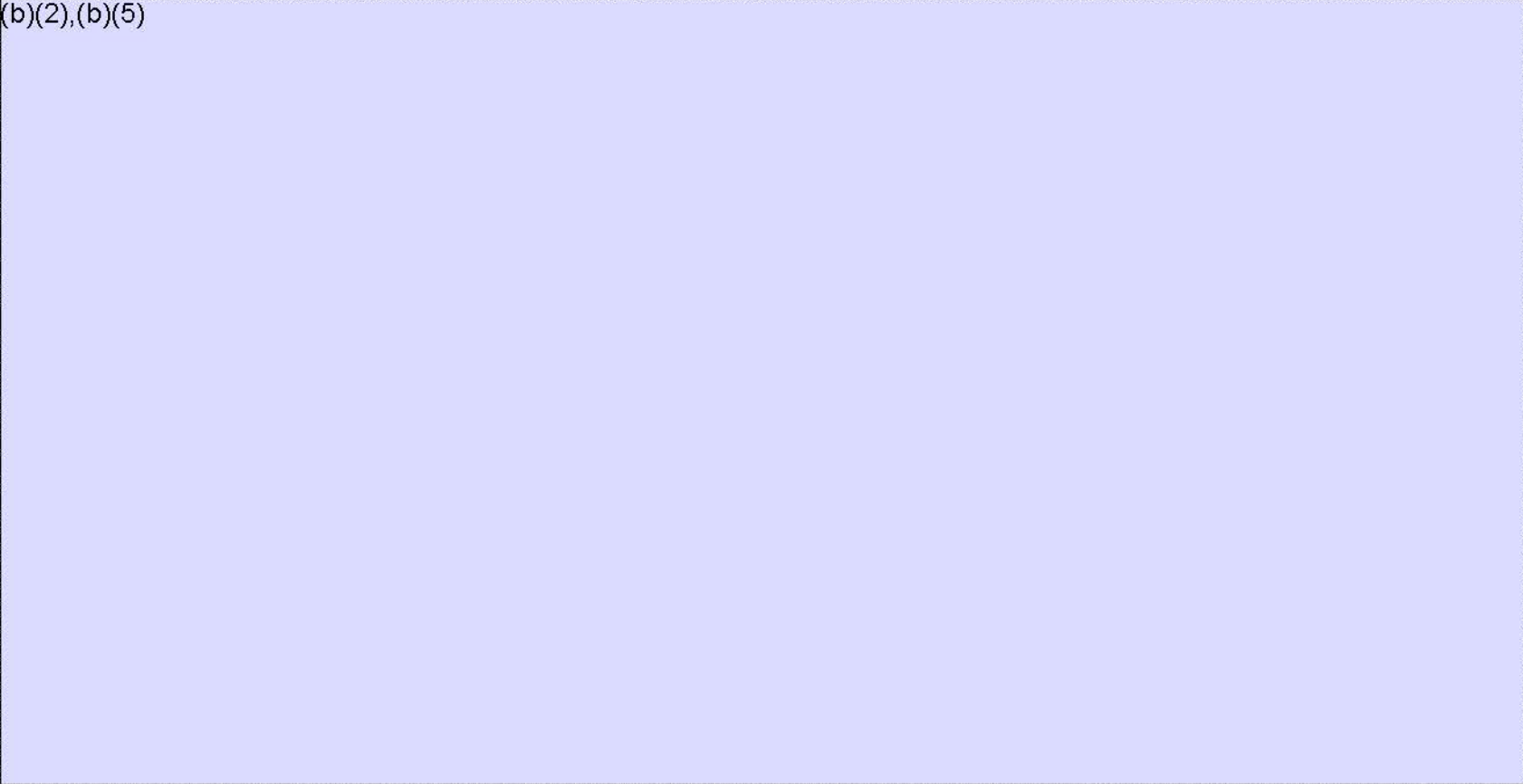
September 18, 2006

# VIII: Training and Guidance

- **Training and Guidance.**
- **Goal:** Develop a strategic FOIA/PA awareness outreach training/guidance program for all ED employees and FOIA outreach training/guidance program for specialized audiences.

# VIII: Training and Guidance Improvement


(b)(2),(b)(5)



September 18, 2006

# VIII: Training and Guidance Improvement


(b)(2),(b)(5)



September 18, 2006

# VIII: Training and Guidance Improvement

(b)(2),(b)(5)



September 18, 2006

# VIII: Training and Guidance

- 4. Develop and implement training and guidance for FOIA process, collateral duty and FOIA process, and
- December 31,**

**Team Lead: IM**

- 4a. By November 30, 2006, develop and implement criteria guidelines for FOIA process, collateral duty and FOIA process, and
- 4b: By December 31, 2006, develop and implement criteria guidelines for FOIA process, collateral duty and FOIA process, and

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# VIII: Training and Guidance

I

- 5. Revise and publish FOIA Regulations 2007.

**Team Lead: IPA**

- 5a: By January 31, 2007, revise the Department of Education's FOIA Regulations.
- 5b: By February 2, 2007, the Department of Education's FOIA Regulations be published in the Federal Register.

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# VIII: Training and Guidance

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■ 5d: By April 30,  
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■ 5e: By May 30, 2  
published as a fir

■ 5f: By June 29, 2

(b)(2),(b)(5)

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# DEADLINES!

Department of Education FOIA Improvement Plan

## July 31, 2006

**Plan Item: Training and Guidance Improvement (VIII: 2)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: FOIA Website Improvement (III: 2)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## August 31, 2006

**Plan Item: Multi-Track Processing Improvement (V: 1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Training and Guidance Improvement (VIII: 2)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## September 29, 2006

**Plan Item: FOIA Website Improvement (III: 1)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

**Plan Item: Multi-Track Processing Improvement (V: 1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Training and Guidance Improvement (VIII: 1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## October 31, 2006

**Plan Item: FOIA Website Improvement (III: 1)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:2)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:2)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## November 15, 2006

**Plan Item: FOIA Website Improvement (III: 1)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

**Plan Item: FOIA Website Improvement (IV: 1)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

**Plan Item: FOIA Website Improvement (IV: 2)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## November 30, 2006

**Plan Item: Affirmative Disclosure Improvement (I: 1)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

**Plan Item: Affirmative Disclosure Improvement (I: 2)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:2)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Improvement Ideas from Field Office Personnel (VII:1)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## December 29, 2006

**Plan Item: Affirmative Disclosure Improvement (I: 1)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

**Plan Item: Affirmative Disclosure Improvement (I: 2)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

**Plan Item: Affirmative Disclosure Improvement (II: 7)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: FOIA Website Improvement (III: 1)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

**Plan Item: Electronic FOIA Improvement (IV: 3)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: IPAST and IMCST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI: 1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Improvement Ideas from Field Office Personnel (VII:1)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

**Plan Item: Training and Guidance Improvement (VIII: 1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## January 31, 2007

**Plan Item: Affirmative Disclosure Improvement (I: 1)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

**Plan Item: Proactive Disclosure Improvement (II: 3)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Proactive Disclosure Improvement (II: 4)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Electronic FOIA Improvement (IV: 1)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

**Plan Item: Electronic FOIA Improvement (IV: 2)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:2)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:2)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Improvement Ideas from Field Office Personnel (VII:1)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

**Plan Item: Training and Guidance Improvement (VIII: 1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Training and Guidance Improvement (VIII: 5)**

# DEADLINES!

Department of Education FOIA Improvement Plan

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## February 28, 2007

**Plan Item: Affirmative Disclosure Improvement (II: 5)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Electronic FOIA Improvement (IV: 4)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Improvement Ideas from Field Office Personnel (VII:2)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

**Plan Item: Training and Guidance Improvement (VIII: 5)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## March 30, 2007

**Plan Item: Affirmative Disclosure Improvement (I: 1)**

Team Lead: IPAST and IMCST

(b)(2),(b)(5)

**Plan Item: Affirmative Disclosure Improvement (I: 2)**

Team Lead: IPAST and IMCST

(b)(2),(b)(5)

**Plan Item: Proactive Disclosure Improvement (II: 3)**

Team Lead: IMCST and IPAST

(b)(2),(b)(5)

**Plan Item: Proactive Disclosure Improvement (II: 4)**

Team Lead: IMCST and IPAST

(b)(2),(b)(5)

**Plan Item: Proactive Disclosure Improvement (II: 5)**

Team Lead: IMCST and IPAST

(b)(2),(b)(5)

**Plan Item: Electronic FOIA Improvement (IV: 1)**

Team Lead: IPAST and IMCST

(b)(2),(b)(5)

**Plan Item: Electronic FOIA Improvement (IV: 2)**

Team Lead: IPAST and IMCST

(b)(2),(b)(5)

**Plan Item: Electronic FOIA Improvement (IV: 4)**

Team Lead: IMCST and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: IMCST and IPAST

(b)(2),(b)(5)

# DEADLINES!

## Department of Education FOIA Improvement Plan

### **Plan Item: Improvement Ideas from Field Office Personnel (VII:1)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

### **Plan Item: Improvement Ideas from Field Office Personnel (VII:2)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

### **Plan Item: Training and Guidance Improvement (VIII: 5)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## April 30, 2007

**Plan Item: Proactive Disclosure Improvement (II: 1)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

**Plan Item: Proactive Disclosure Improvement (II: 2)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Improvement Ideas from Field Office Personnel (VII:2)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

**Plan Item: Training and Guidance Improvement (VIII: 5)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## May 15, 2007

**Plan Item: Proactive Disclosure Improvement (II: 1)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## May 30, 2006

**Plan Item: Proactive Disclosure Improvement (II: 2)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

**Plan Item: Electronic FOIA Improvement (IV: 3)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Improvement Ideas from Field Office Personnel (VII:2)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

**Plan Item: Training and Guidance Improvement (VIII: 5)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## June 29, 2007

**Plan Item: Proactive Disclosure Improvement (II: 1)**

Team Lead: **IPAST** and **IMCST**

(b)(2),(b)(5)

**Plan Item: Proactive Disclosure Improvement (II: 2)**

Team Lead: **IPAST** and **IMCST**

(b)(2),(b)(5)

**Plan Item: Electronic FOIA Improvement (IV: 3)**

Team Lead: **IMCST** and **IPAST**

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and **IPAST**

(b)(2),(b)(5)

**Plan Item: Training and Guidance Improvement (VIII: 5)**

Team Lead: **IPAST** and **IMCST**

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## July 31, 2007

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## August 31, 2007

**Plan Item: Proactive Disclosure Improvement (IV: 4)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## September 28, 2007

**Plan Item: Proactive Disclosure Improvement (II: 6)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Proactive Disclosure Improvement (III: 3)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

**Plan Item: Proactive Disclosure Improvement (IV: 3)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## October 31, 2007

**Plan Item: Proactive Disclosure Improvement (II: 6)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:2)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## November 30, 2007

**Plan Item: Proactive Disclosure Improvement (II: 6)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Training and Guidance Improvement (VIII: 3)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

**Plan Item: Training and Guidance Improvement (VIII: 4)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## December 31, 2007

**Plan Item: FOIA Website Improvement (III: 3)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Training and Guidance Improvement (VIII: 3)**

Team Lead: **IPAST** and IMCST

(b)(2),(b)(5)

**Plan Item: Training and Guidance Improvement (VIII: 4)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## January 31, 2008

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:2)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:2)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## February 29, 2008

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## March 31, 2008

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## April 30, 2008

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## May 30, 2008

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## June 30, 2008

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## July 31, 2008

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## August 29, 2008

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## September 30, 2008

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## October 31, 2008

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## November 28, 2008

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

# DEADLINES!

Department of Education FOIA Improvement Plan

## December 31, 2008

**Plan Item: Backlog Reduction/Elimination Improvement (VI:1)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

**Plan Item: Backlog Reduction/Elimination Improvement (VI:2)**

Team Lead: **IMCST** and IPAST

(b)(2),(b)(5)

## Kendrick, Tony (Contractor)

---

**From:** Kendrick, Tony (Contractor)  
**Sent:** Wednesday, September 13, 2006 10:10 AM  
**To:** Arrington, Angela  
**Cc:** Carter, Jennifer (Contractor)  
**Subject:** Forgot one! RE: Updated slides (5) for Improvement Plan

I forgot to add the Proactive Disclosure slide that modified the "Rule-of-Three" activity to include a "Common Sense Rule"!

It is now the "Rule-of-Three" and the "Rule-of-News" - I tried to keep the "rule" and syllable theme. But we all know it will be the "Rule of Three" and "News Rule" in practice.

-----Original Message-----

**From:** Kendrick, Tony (Contractor)  
**Sent:** Wednesday, September 13, 2006 9:44 AM  
**To:** Arrington, Angela  
**Cc:** Carter, Jennifer (Contractor)  
**Subject:** Updated slides (4) for Improvement Plan

Angela, good morning.

Attached are four slides that I have updated as a result of the briefing we had on Monday about the FOIA Improvement Plan.

The first slide is just an update of the first slide text (removing draft version and other info).

The Backlog slide action 1a (the monthly meetings) is updated with the old slide info about looking at what types of FOIAs are causing backlogs in the field that maybe should be processed with experienced processors in RIMS. (b)(2), (b)(5) is the type of FOIAs and not individual FOIAs that we might want to drag back for processing on a case-by-case basis. Those were already part of a monthly meeting activity. Focusing on the "type" would mean they never get assigned to the field - and the field would only be asked to conduct a search for responsive records and send them to us.)

The Backlog slide action 1d has been added from the old slide - (b)(2), (b)(5) the comparative identification work (b)(2), (b)(5) has been done.

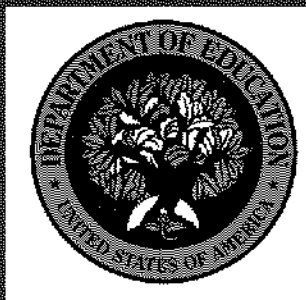
The Training slide action item 4 refers to "selection and process guidelines" and replaces what was once referring to (b)(2), (b)(5) "performance standards" and also removing the word "performance" from the entire slide.

These changes have been reflected in the Deadlines document as well.

If you had any additional notes indicating changing a slide, please let me know. Otherwise, once I get the Lead names I will then finalize the slides and the Deadlines so they are ready by the 18th.

Thanks! -- Tony

# U.S. Department of Education



## FOIA Improvement Plan

August 18, 2006 (revised)

## Implementation plan

September 18, 2006

## II: R. i. n. d. i. n. g.

- 5: Rule-of-Three **be completed**

Team Lead: \_\_\_\_\_

- 5a: By February  
to use available  
material in the  
within 24 hours  
requested docu
- Rule-of-Three  
related docu  
documents in
- Rule-of-New  
in the media,  
reading room  
received.
- 5b: By March  
posting guidel

September 18, 2006

(b)(2), (b)(5)

To

Guideline

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# VI: Backlog Reduction/Elimination

- 1. Implement  
**initiated by A**  
Team Lead:

- 1a: Month  
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- 1b: Quarter  
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# VI: Backlog Reduction / Elimination

(b)(2), (b)(5)

- 1. (continued) **To be**
  - 1c: Semi-Annual  
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requests and opp  
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  - This review w  
(such as serv  
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  - This review w  
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- 1d: By Decembe  
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# VIII: Training and Guidance

In

- 4. Develop and i  
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**December 31, 2**

Team Lead: \_\_\_\_\_ T

- 4a. By Novemb  
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collateral duty st
- 4b: By Decemb  
criteria guideline  
collateral duty st

(b)(2),(b)(5)

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FOIA

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From: Kendrick, Tony (Contractor)  
Sent: Wednesday, September 13, 2006 9:44 AM  
To: Arrington, Angela  
Cc: Carter, Jennifer (Contractor)  
Subject: Updated slides (4) for Improvement Plan

Angela, good morning.

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The first slide is just an update of the first slide text (removing draft version and other info).

The Backlog slide action 1a (the monthly meetings) is updated with the old slide info about looking at what types of FOIAs are causing backlogs in the field that maybe should be processed with experienced processors in RIMS. (b)(2), (b)(5) the type of FOIAs and not individual FOIAs that we might want to drag back for processing on a case-by-case basis. Those were already part of a monthly meeting activity. Focusing on the "type" would mean they never get assigned to the field - and the field would only be asked to conduct a search for responsive records and send them to us.)

The Backlog slide action 1d has been added from the old slide - (b)(2), (b)(5) the comparative identification work (b)(2), (b)(5) done.

The Training slide action item 4 refers to "selection and process guidelines" and replaces what was once referring to "performance standards" and also removing the word "performance" from the entire slide. (b)(2), (b)(5)

These changes have been reflected in the Deadlines document as well.

If you had any additional notes indicating changing a slide, please let me know. Otherwise, once I get the Lead names I will then finalize the slides and the Deadlines so they are ready by the 18th.

Thanks! -- Tony

From: Valentine, Stephanie  
Sent: Friday, September 01, 2006 8:01 AM  
To: Carpentier, Julian; Eiden, Lee  
Subject: RE: ED FOIA Plan

The new FOIA plan was posted on 8/31/2006.  
Steph

-----Original Message-----

From: Carpentier, Julian  
Sent: Friday, August 25, 2006 10:00 AM  
To: Valentine, Stephanie  
Subject: FW: ED FOIA Plan

-----Original Message-----

From: Clark, Michell  
Sent: Thursday, August 24, 2006 2:58 PM  
To: 'Pamela.A.Maida@usdoj.gov'; 'FOIAreporting@omb.eop.gov'  
Cc: 'Kenneth.A.Hendricks@usdoj.gov'; Eitel, Robert S.; Anderson, Scott; Eiden, Lee; Arrington, Angela; Novick, Dianne; Carpentier, Julian  
Subject: ED FOIA Plan

Honorable Alberto R. Gonzales  
Attorney General  
Department of Justice

Honorable Rob Portman  
Director  
Office of Management and Budget

Dear Messrs. Gonzales and Portman:

As the Department of Education's (ED) Chief FOIA Officer, I am pleased to transmit to you our agency's FOIA Plan as required by Executive Order 13,392. This document conveys our review of ED's FOIA operations with specific improvements and concrete milestones for FY 2006 and FY 2007. It includes several revisions to our "Backlog Reduction/Elimination" Section to better quantify our goals.

Concurrent with this transmittal, we are in the process of posting this report on the Department of Education's FOIA website.

If you have any questions, or wish additional information concerning any component comprising this report, please contact Leo Eiden of my staff (202) 245-6454.

Sincerely,

Michell Clark  
Assistant Secretary for Management

Attachment

<< File: ED FOIA PLAN (08.18.06).doc >>

From: Arrington, Angela  
Sent: Thursday, August 24, 2006 3:28 PM  
To: Kendrick, Tony (Contractor)  
Subject: RE: The FOIA Plan - slides and deadlines

Ok. Thanks.

Angela Arrington  
Department Of Education - OM  
550 12th St. SW - Room 9156  
Washington, DC 20004  
work (202) 245-6409

-----Original Message-----

From: Kendrick, Tony (Contractor)  
Sent: Thursday, August 24, 2006 3:14 PM  
To: Arrington, Angela  
Cc: HARRY. E. MOORE. JR (E-mail); Carter, Jennifer (Contractor)  
Subject: The FOIA Plan - slides and deadlines

Angela, good afternoon. As I mentioned in response to your earlier e-mail -- in updating the Deadlines document it was a good cross-check exercise and resulted in some adjustments to the previous PowerPoint slides I provided.


In summary - delete the previous PowerPoint attachment and go with this one.

I expanded the Deadlines document to include the improvement area the action item falls under and the placement indicator within the improvement area - makes it easier to link back to the slides and vice-versa.

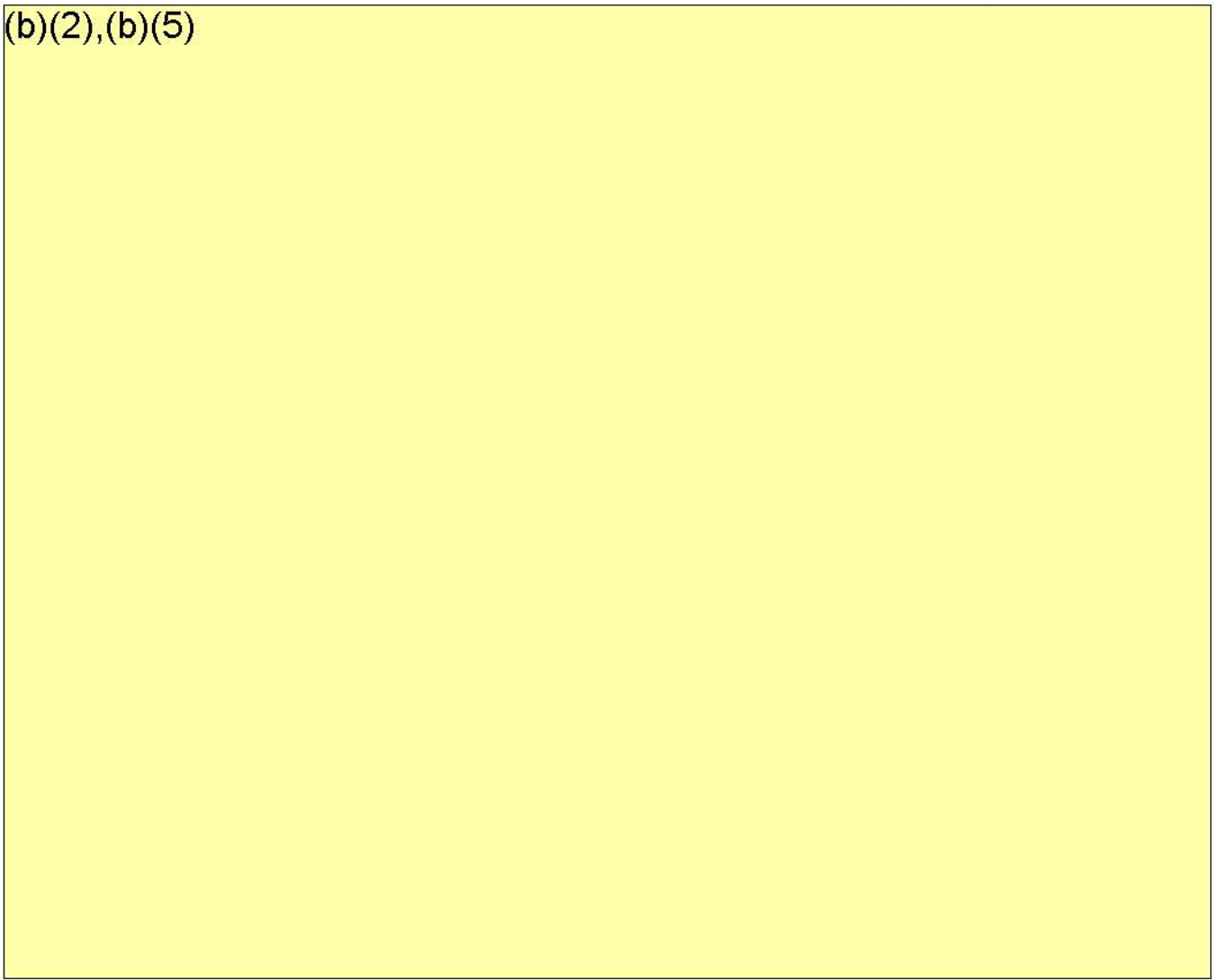
And, as mentioned earlier - the backlog slides and deadlines do not reflect the revisions made last week and undergoing review at this time.

Thanks! -- Tony

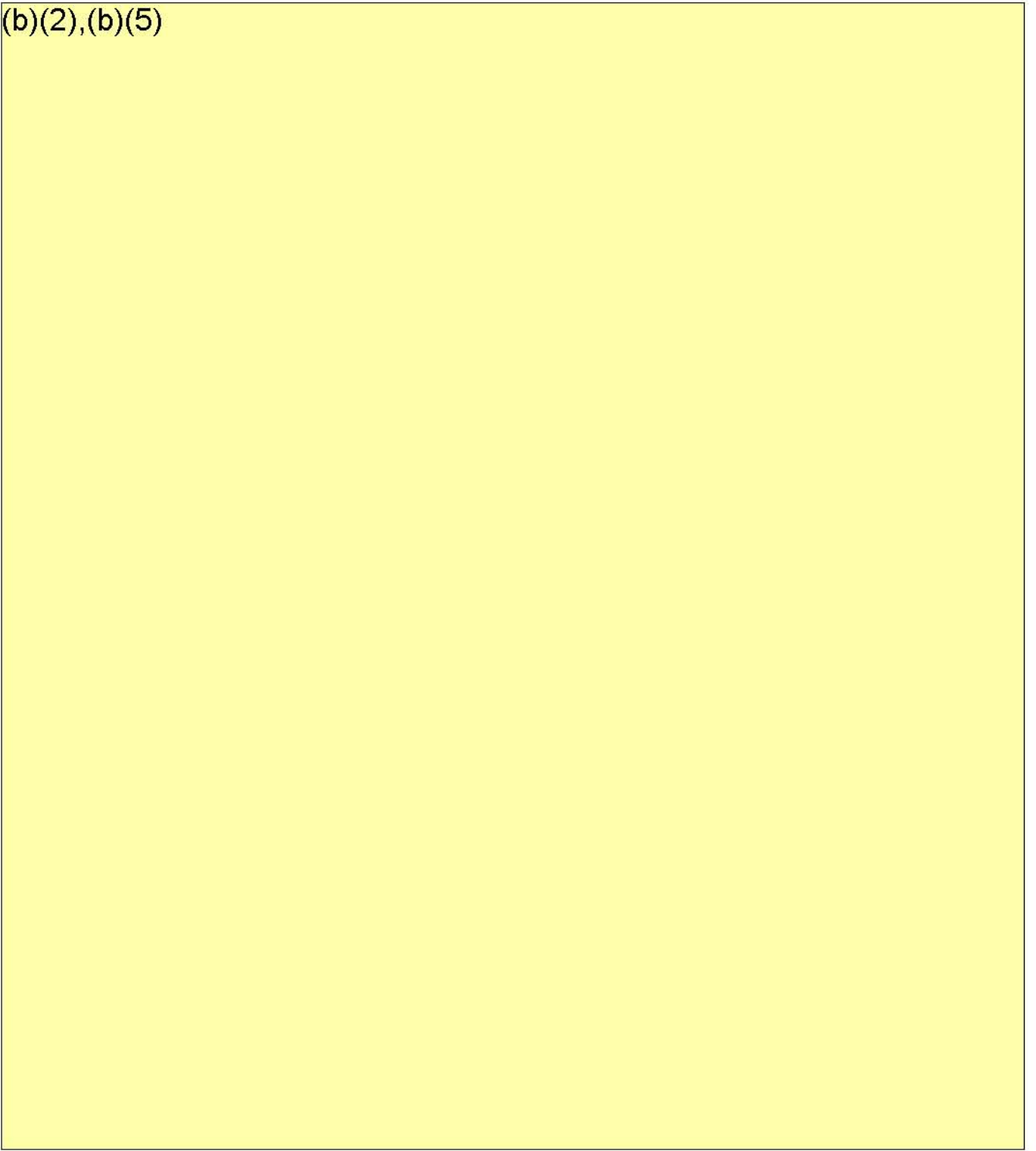
(b)(2),(b)(5)




(b)(2),(b)(5)



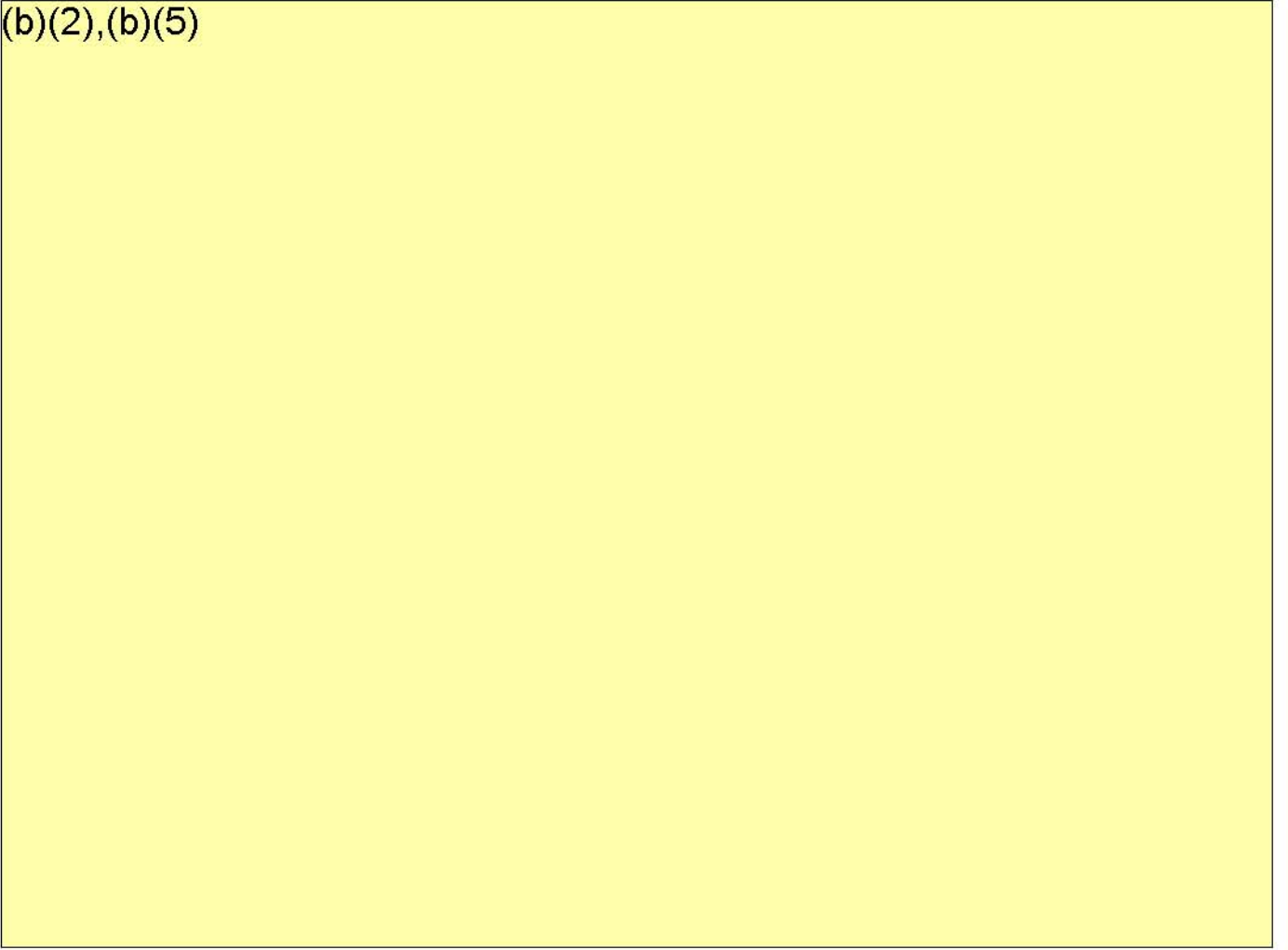
(b)(2),(b)(5)



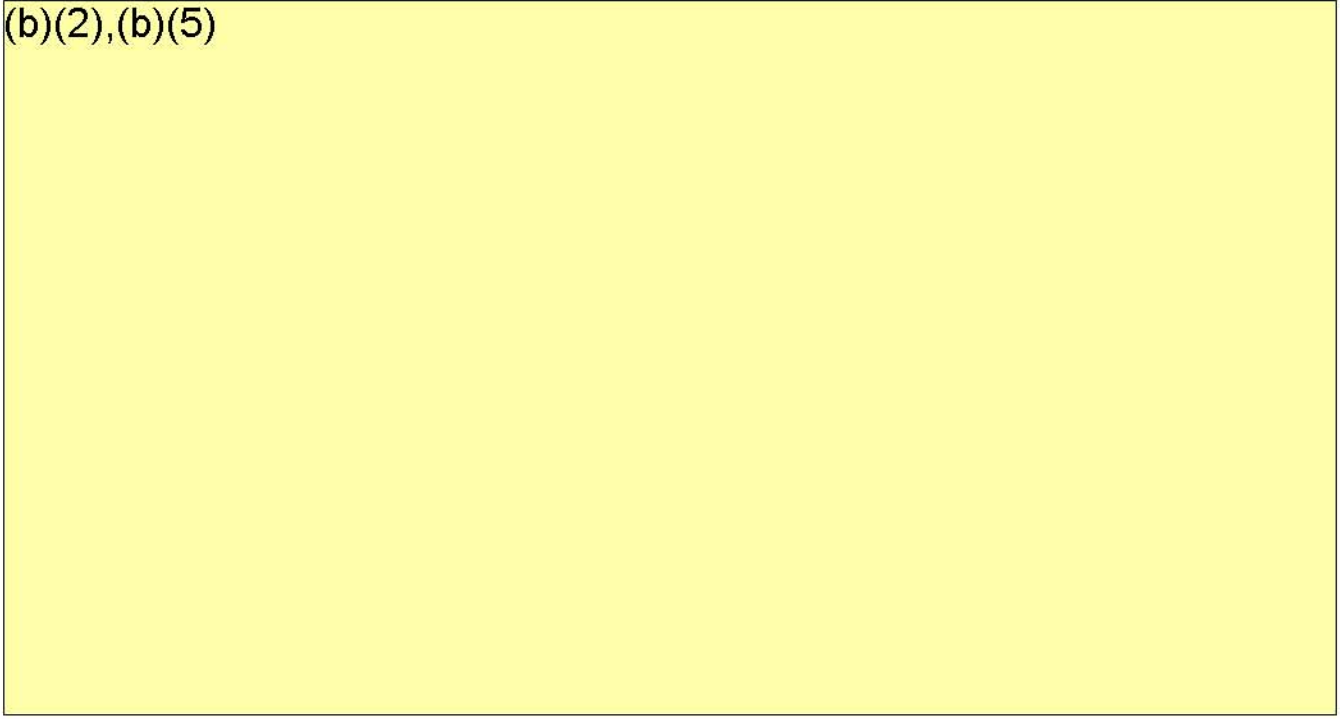
(b)(2),(b)(5)



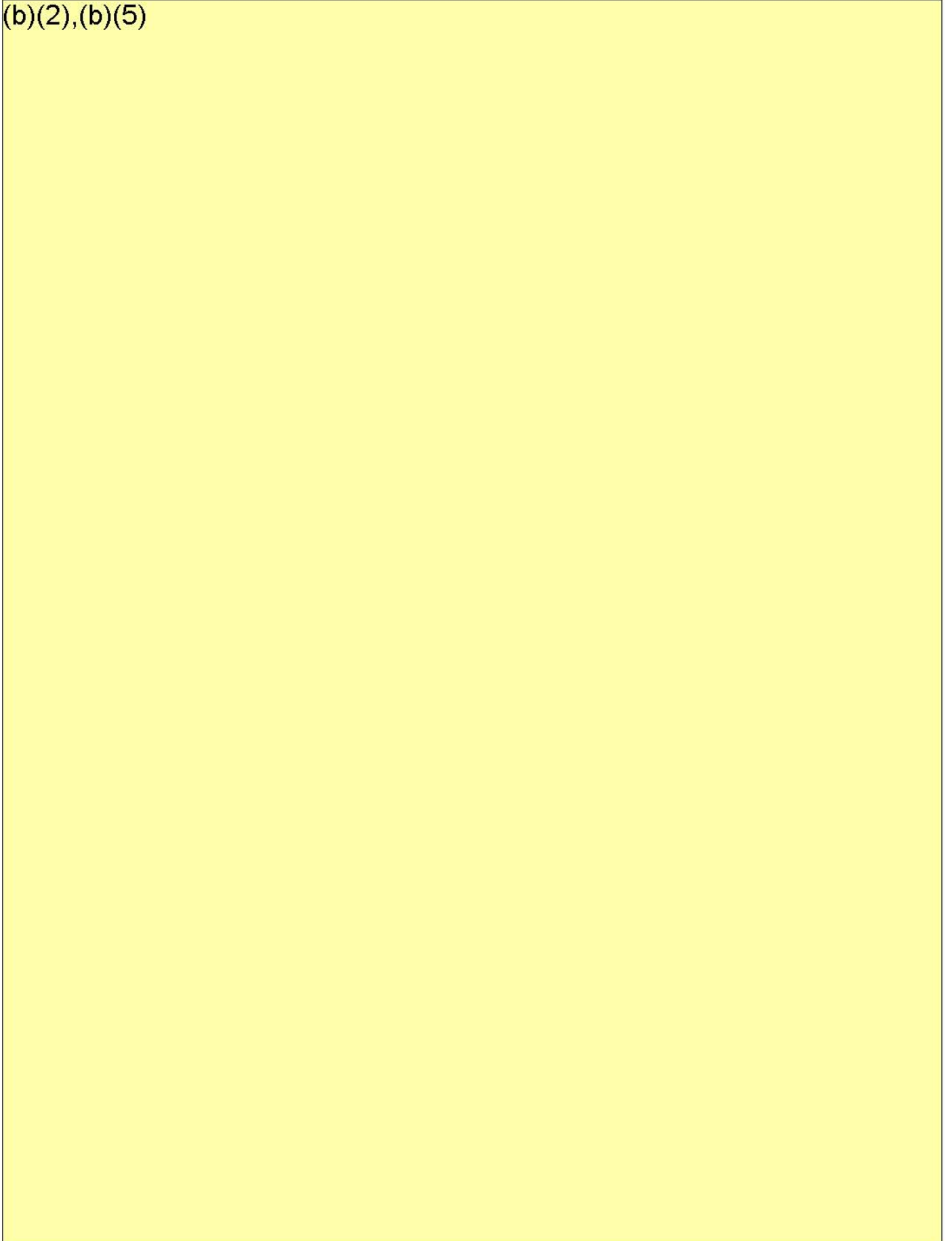
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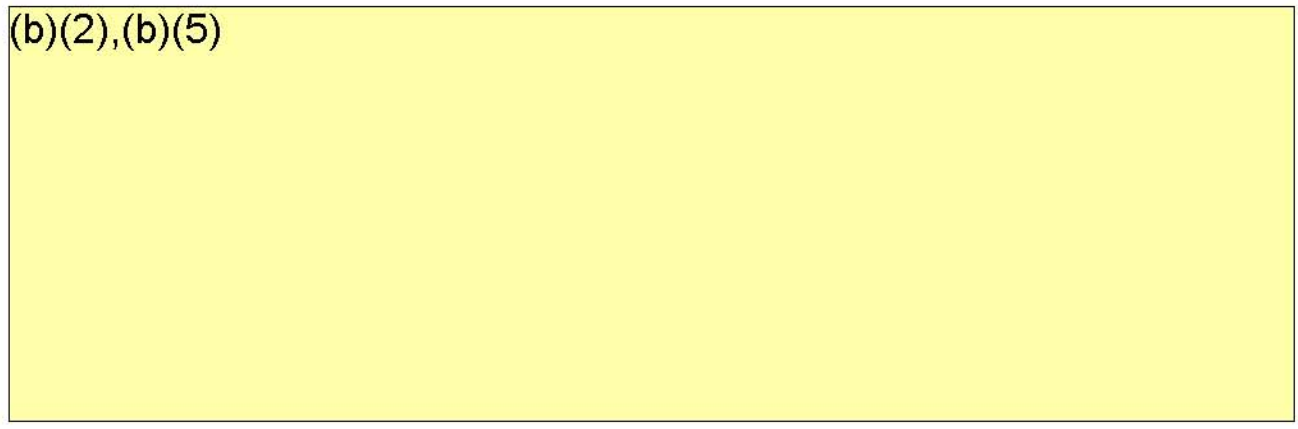
(b)(2),(b)(5)



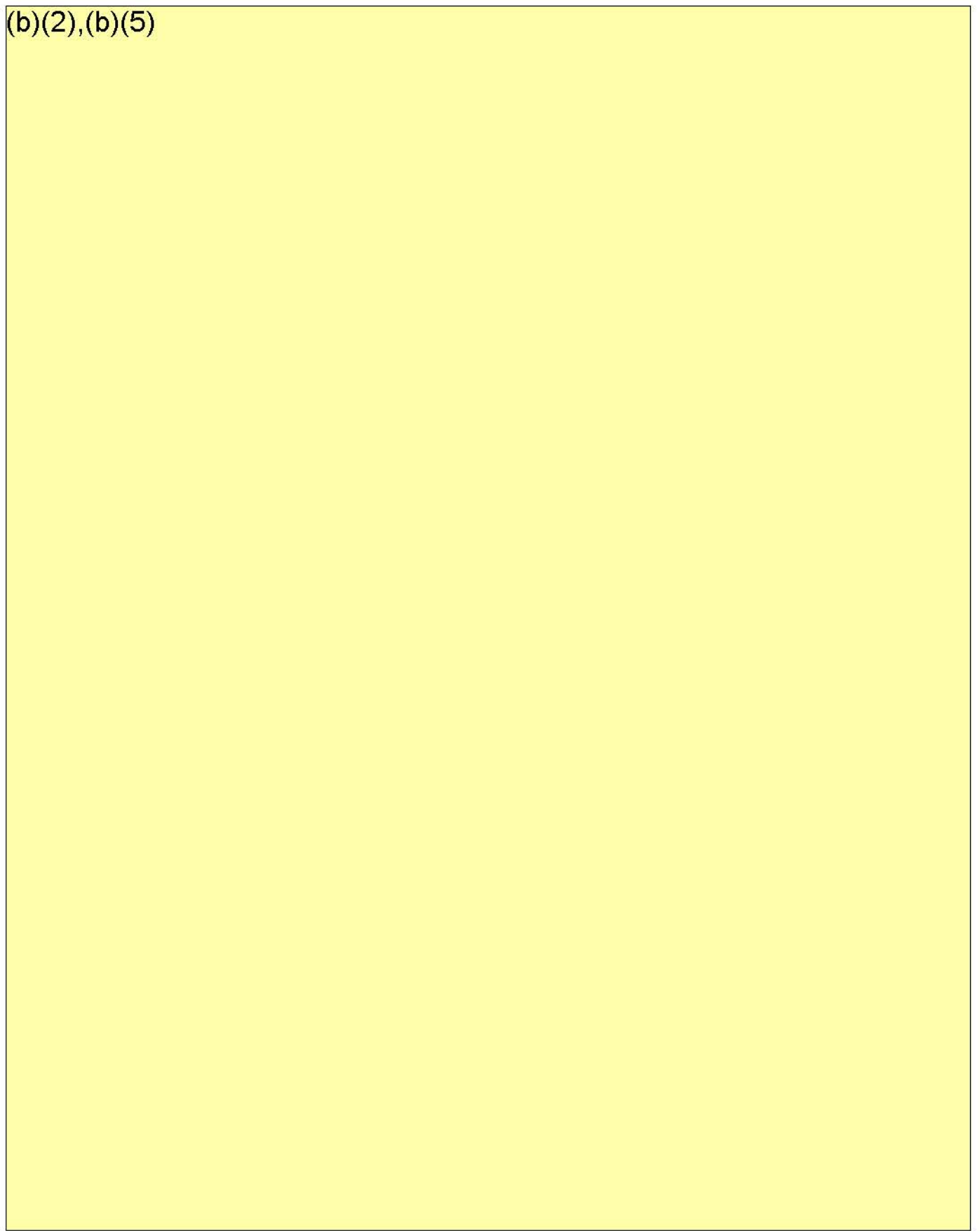
(b)(2),(b)(5)



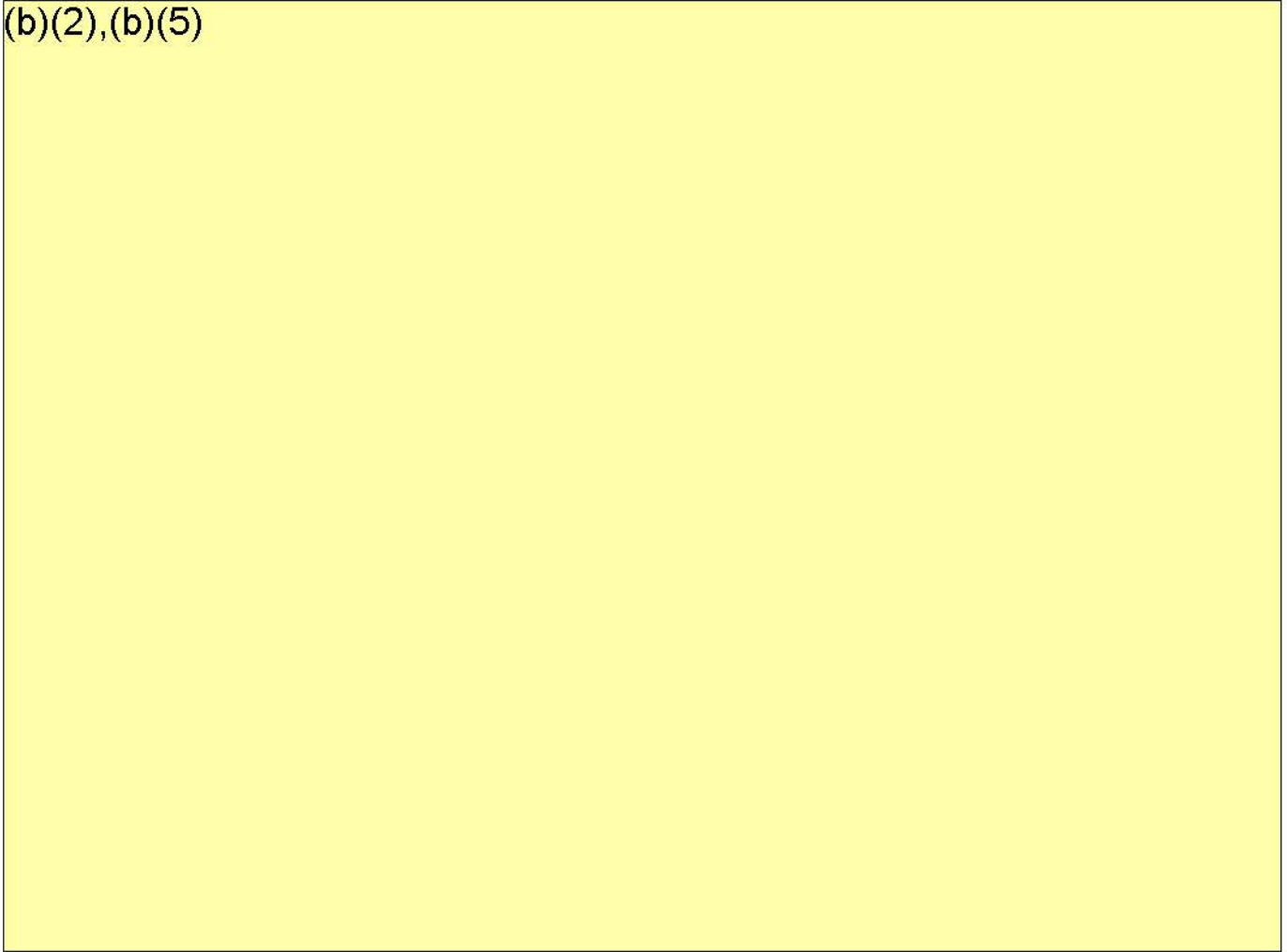
(b)(2),(b)(5)



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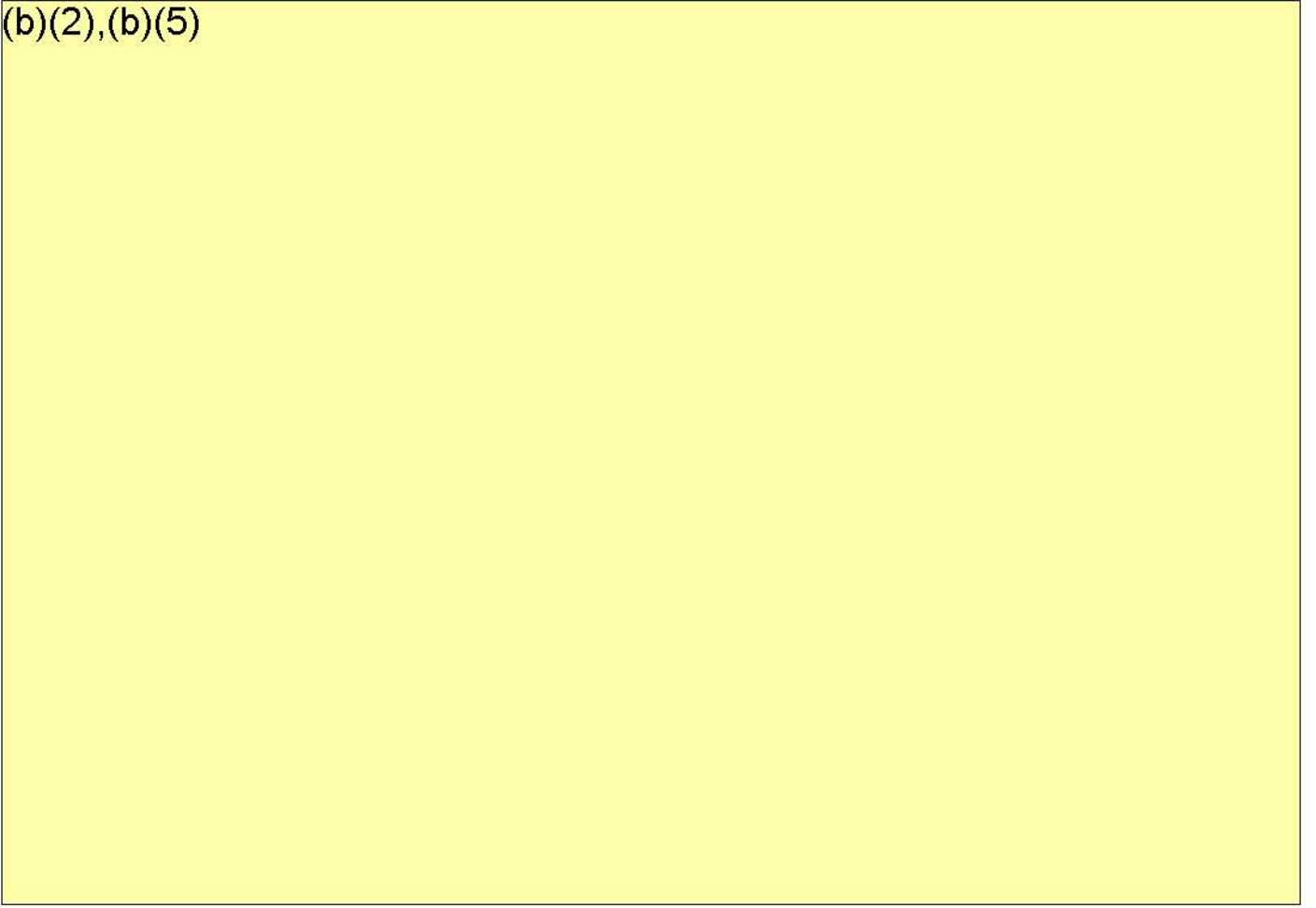


(b)(2),(b)(5)

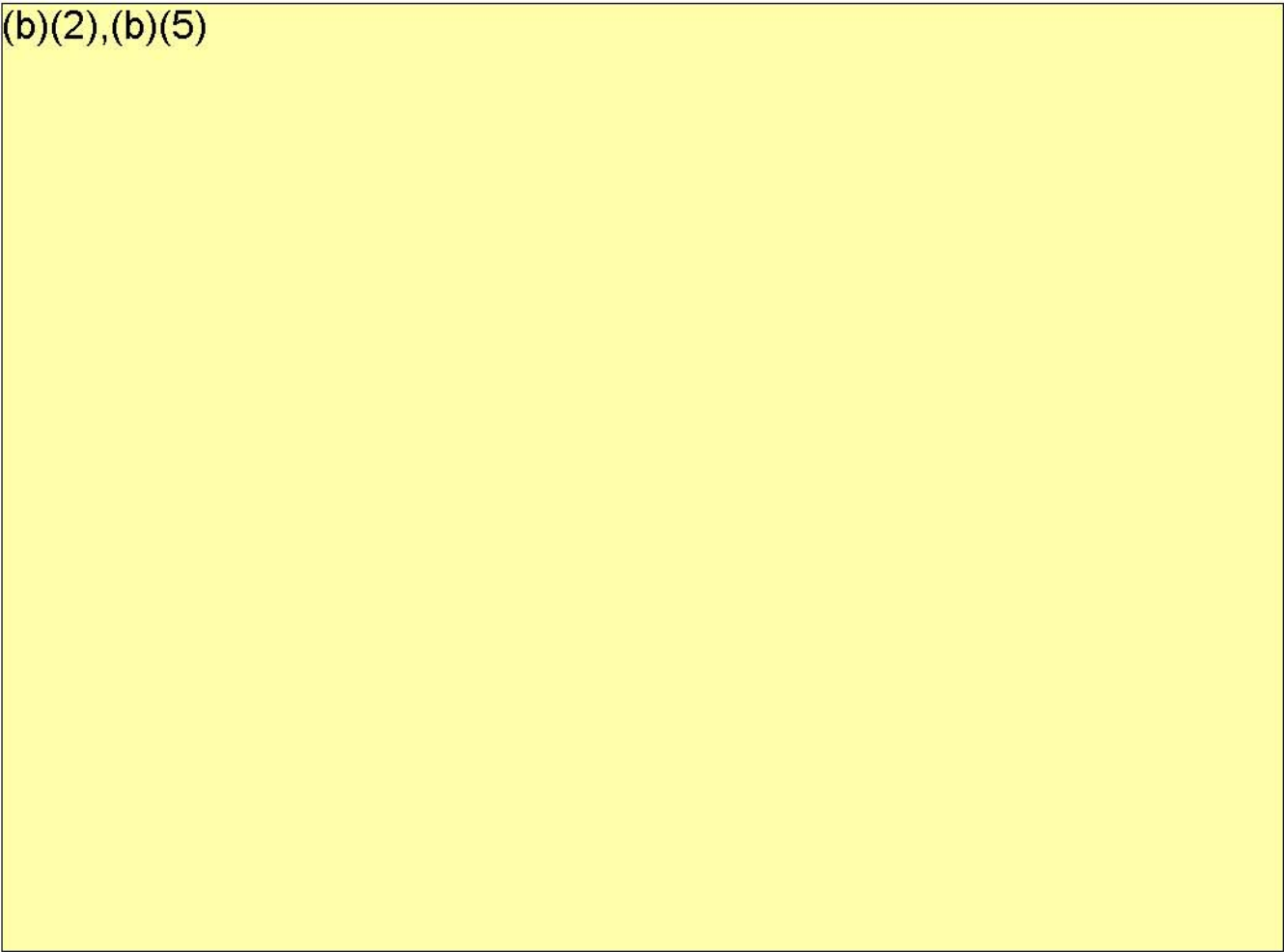


(b)(2),(b)(5)

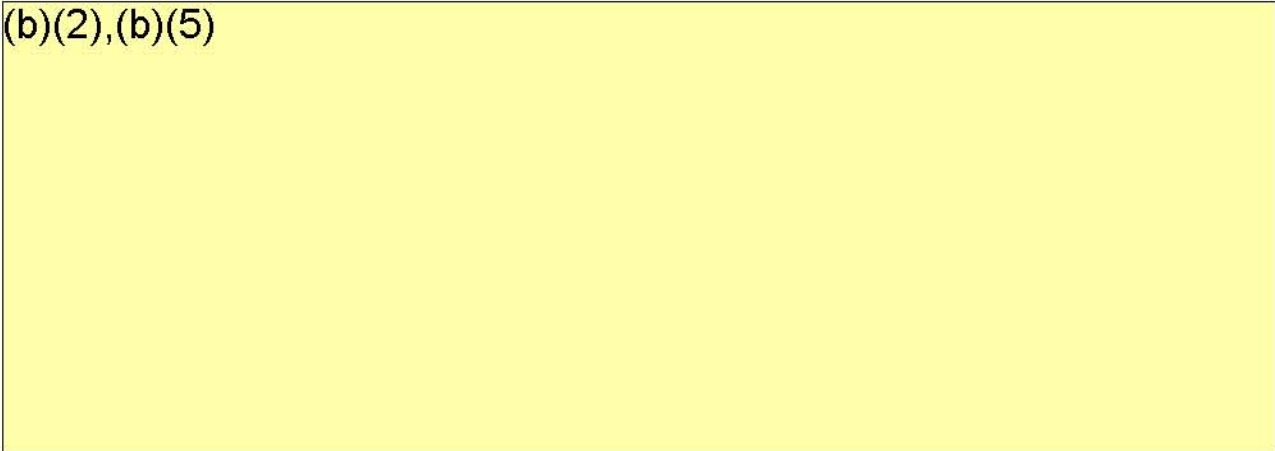
(b)(2),(b)(5)



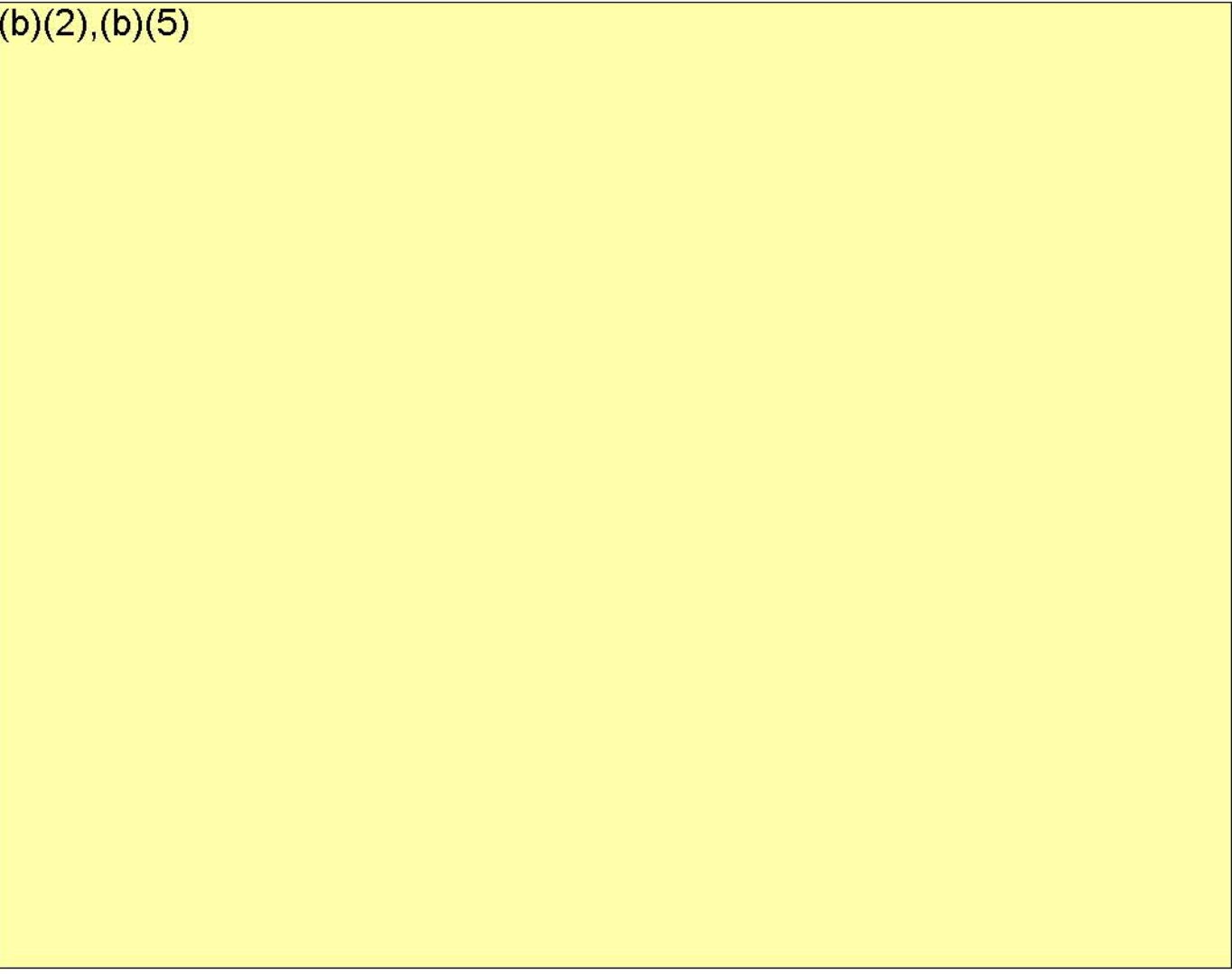
(b)(2),(b)(5)



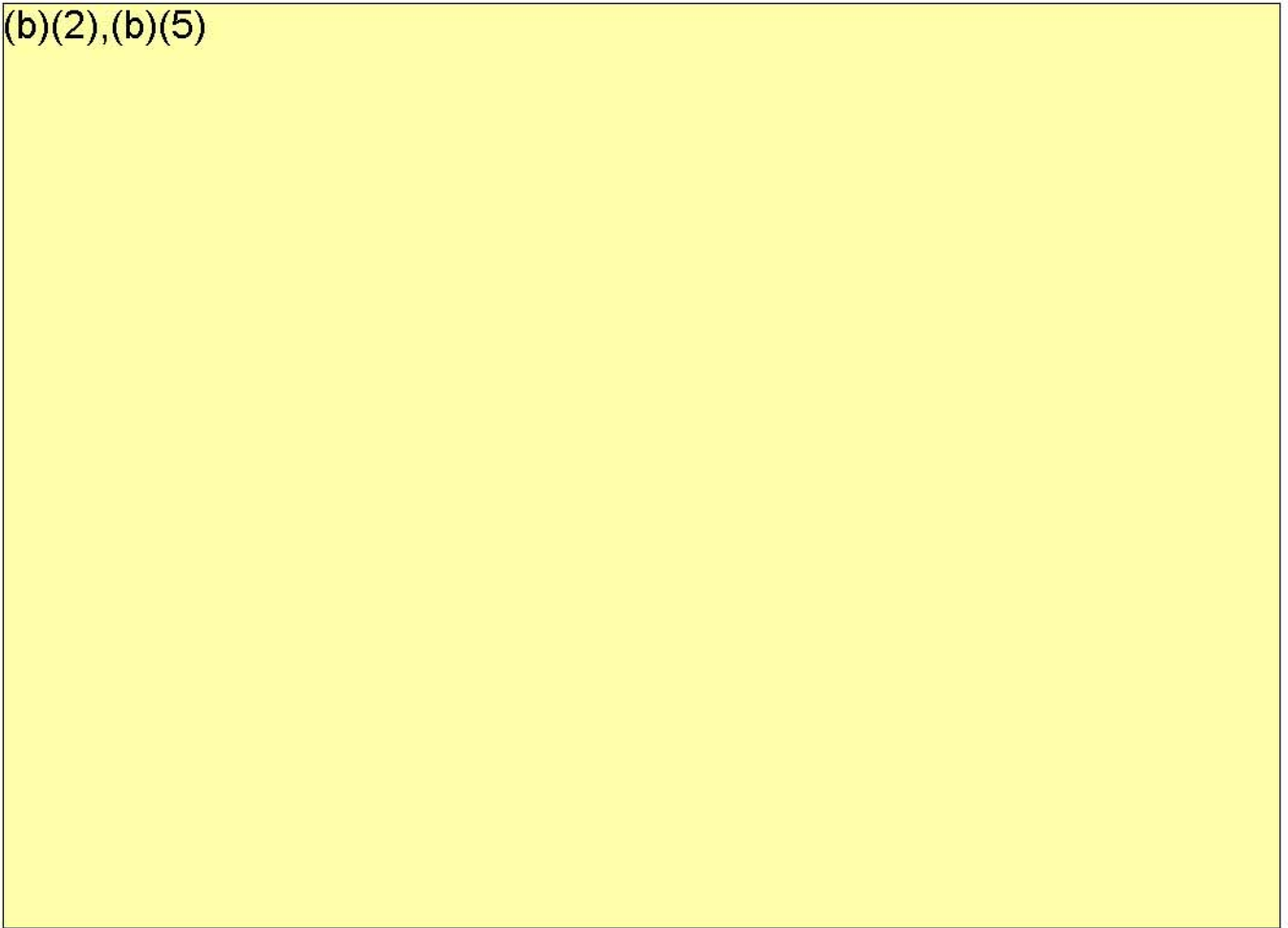
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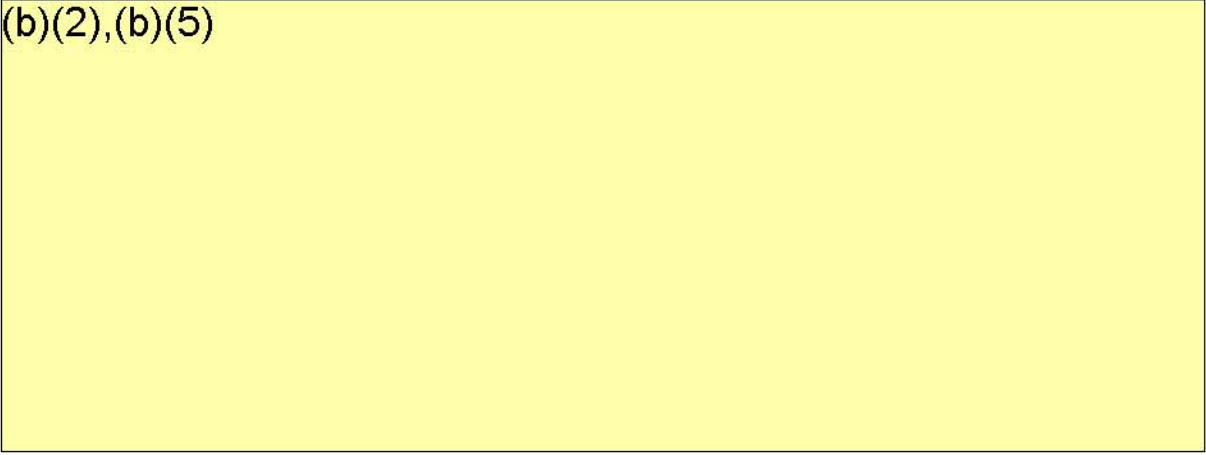
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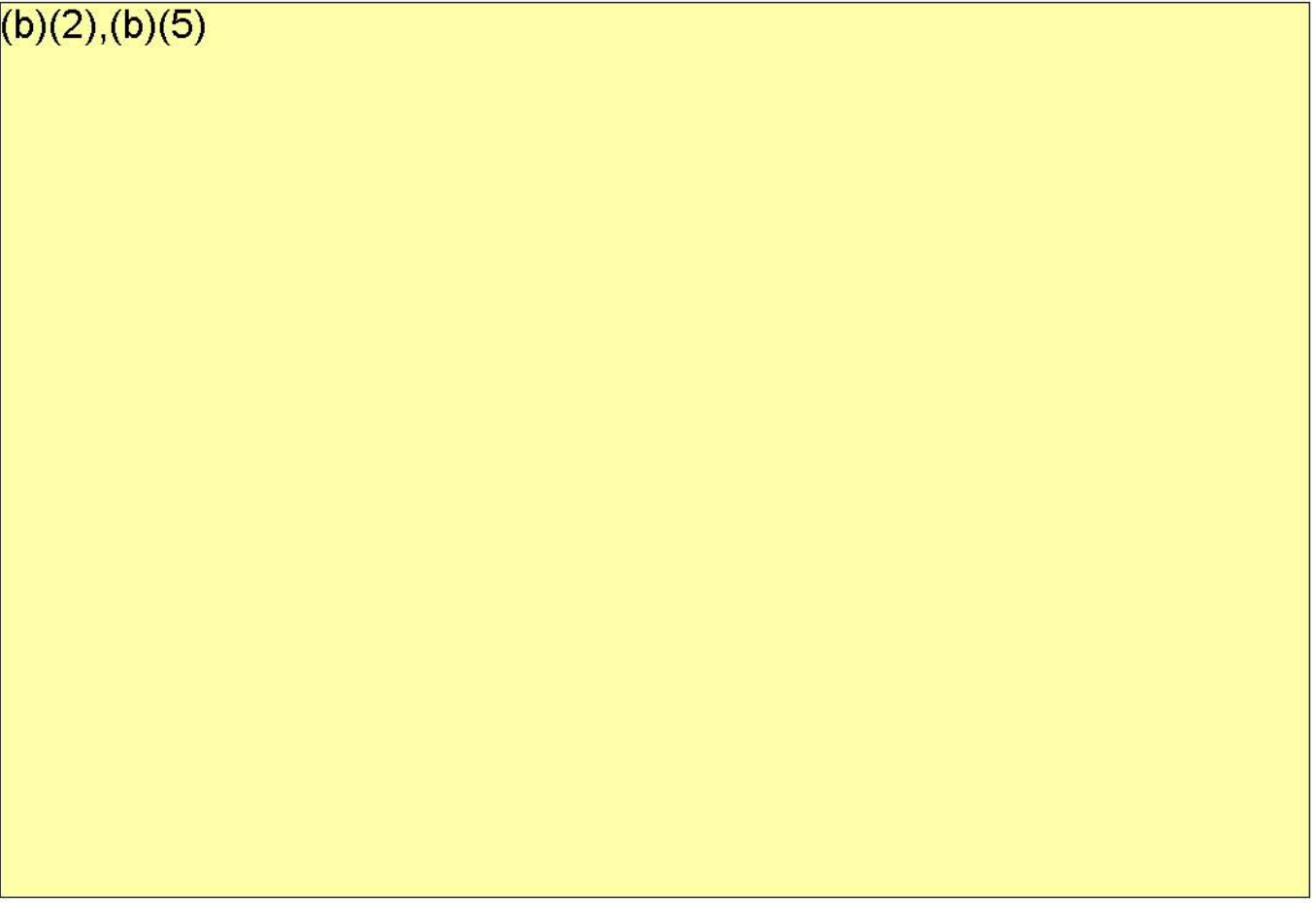
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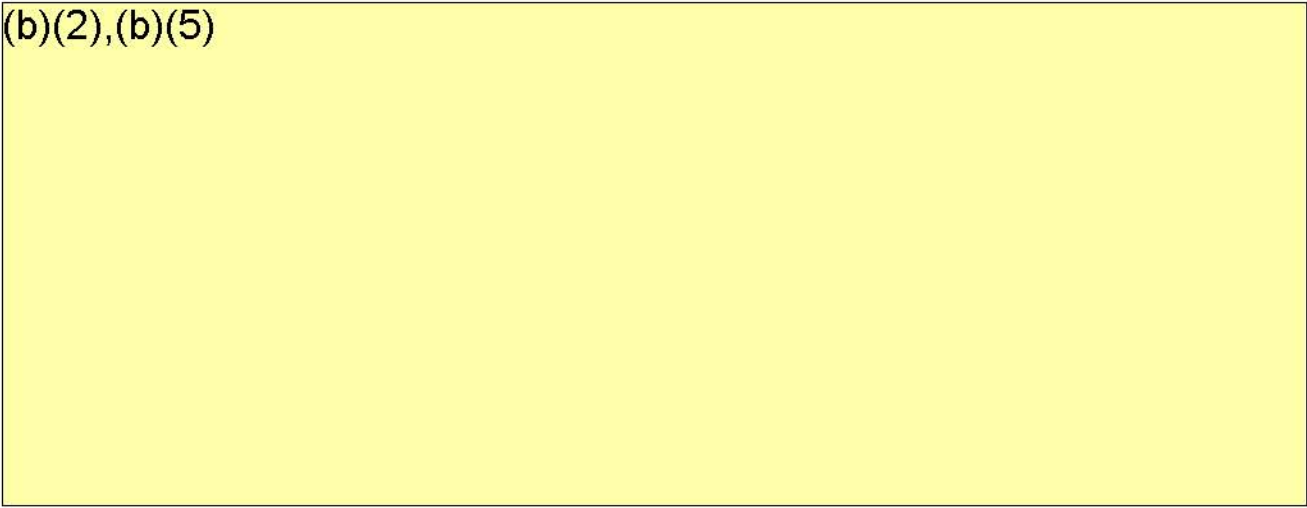
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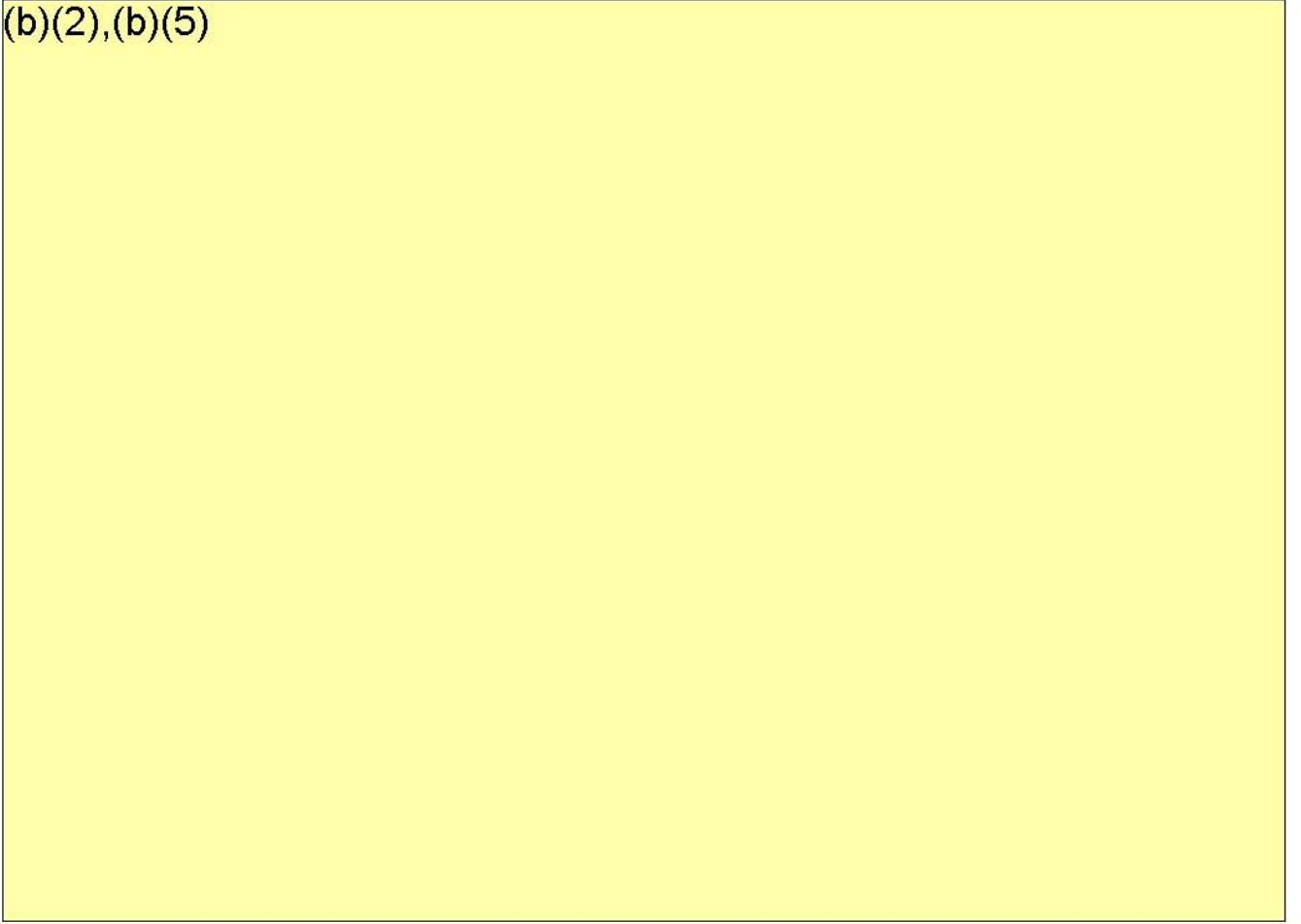
(b)(2),(b)(5)




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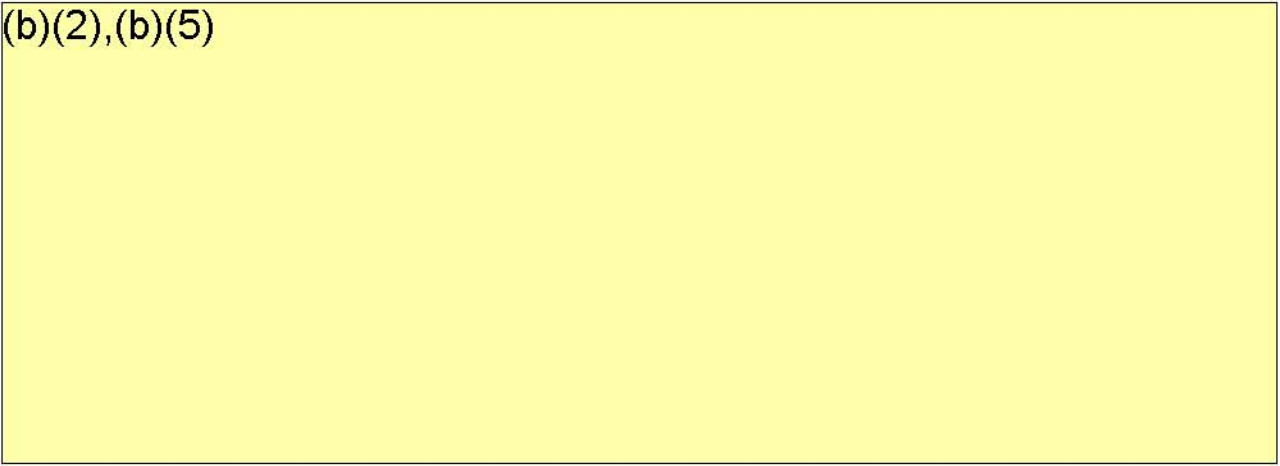
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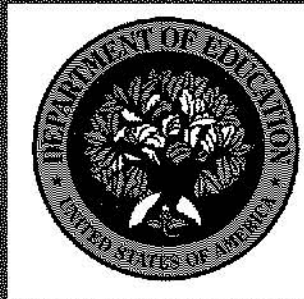
(b)(2),(b)(5)



(b)(2),(b)(5)



# U.S. Department of Education



## Education Improvement Implementation plan

Version: 2  
August 24, 2006

Submitted by:  
Science Applications International Corp. (SAIC)

# Improvement Plan Overview

- Directives to involve FOIA in record development and pre-release review.
- Revised ED FOIA Regulations
- FOIA Guidelines for multi-track, backlog reduction, and proactive disclosure actions
- Website updates and increased number of record postings.
- FOIAXpress training and emphasis areas

# I. Affirmative Disclosure

- **Affirmative disclosure under subsection 3(b)(ii) of Executive Order 13392**
- **Goal:** Serve the interests of the public for information about ED operations and programs through proactive access to FOIA cleared documents likely to generate FOIA requests.

# I: Accession Data

(b)(2), (b)(5)

- 1: Place into directives the information members of for the record responsibility **be complete**

Team Lead: \_\_\_\_\_

- 1a: By No management development purpose of application need to ap

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# I: Affirmative Disclosure

- 1: (continued)

- 1b: By Dec  
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document b  
announcem  
Department

- 1c: By Janu  
SOP directi  
and posting

- 1d: By Mar  
SOPs (desc  
for review, c

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# I: Affirmative Action

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- 2: Increase use of c technology to facili information of inte **completed by Ma**

Team Lead: \_\_\_\_\_ T

- 2a: By November . to increase use of c

(b)(2),(b)(5)

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needs  
s.

# I: Affirmative Disposition

## Imp

- 2: (continued) To be completed by March 30, 2007.

- 2b: By December 29, 2006, the Department shall develop a template(s) for use of FOIAXpress featuring a list of questions that will be asked and what information has been received in response to each question. The Department shall respond to incoming FOIA requests by December 29, 2006, and shall provide information about documents of the Department that are responsive to the request.

- 2c: By March 30, 2007, the Department shall complete the training of FOIAXpress training for all personnel who will be responsible for responding to FOIA requests as part of the Department's ongoing efforts to improve its response to FOIA requests.

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## II: Proactive Disclosure

- **Proactive disclosure of records.**
- **Goal:** Make records available to the public on own initiative so that there is less likelihood that records will become the subjects of FOIA requests filed by persons who are interested in obtaining such records.

## II: Pr

- 1: Establish a Director's Office of the Chief Information Officer and Outreach, and outlining a process of grant and community public interest and in advance of releasing redacted copies of coincident with a **by June 29, 2007**

Team Lead: \_\_\_\_\_

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Room  
**pleted**

## II: Policy and Directive

- 1: (continued)

- 1a: No later than the implementation of ED management disclosure, conduct Directive regarding dissemination requests.

- 1b: By May 15, 2007, submission to

- 1c: By June 29, 2007,

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## II: Proactive Disclosure

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- 2: Identify, in the Communication Proactive Disclosure, documents that are likely to be redacted versions of testimony, or documents referenced in public affairs to assist public affairs in explaining the status of documents. The public affairs channel will use the Reading Room, press and the public

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- 2c: By June 2

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## II: Proactive Disclosure

- 3: Increase internal coordination to ensure all FOIA-requests are **be completed**

Team Lead: \_\_\_\_\_

- 3a: By January, increase intra-agency coordination to determine potential for redaction of documents in the Reading Room
- 3b: By March

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## II: Proactive Disclosure

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- 4: All documents re March 30, 2007, will Room. **To be com**

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- 4a. By January 31, more than twice co
- 4b. By March 30, 2 than twice by Marc Room.

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## II: Project: Digital

- 5: Rule-of-Thumb  
**by March 30.**

Team Lead: \_\_\_\_\_

- 5a: By February  
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- 5b: By March  
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## II: Proactive Disclosure

- 6. Implement language and and database searches can collection and  
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Team Lead: \_\_\_\_\_

- 6a: By Sep internal FC
- 6b: By Oct Staff and F comment.
- 6c: By Nov

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## II: Proactive Disclosure Improvement

- 7. Routinely use technology to track and identify trends on daily basis to use in determining whether to post releases to the E-FOIA Reading Room. **To be started by the end of the year and in the processing requirement by December 31, 2010.**

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# III: FOIA Website Improvement

- **Overall Website Improvement.**
- **Goal:** Implement web enhancements as a result of a review of its current structure.

### III: FOIA

- 1. Review and use by web visitors  
**December 29,**  
Team Lead: \_\_\_\_\_

- 1a: By September of the ED FOIA evaluation criteria

- 1b: By October the ED FOIA other federal F

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# III: FOIA

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### III: FOIA

- 2. Update information to reflect the design of 13392. To be completed by June 30, 2013.

Team Lead: \_\_\_\_\_

- 2a: By June 30, 2013, update the Chief of Police's website to reflect the Chief of Police's new title and the FOIA's new requirements.
- 2b: By July 31, 2013, update the Chief of Police's website pages.

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### III: FOIA

- 3. Redesign of the Department's website to accommodate increased volume of requests based upon e-FOIA. **completed by**

Team Lead: \_\_\_\_\_

- 3a: By September 2010, the Department's FOIA Reading Room design and implementation released via the Department's website.

- 3b: By December 2010, the Department's Website page

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## IV: Electronic FOIA

- **Electronic FOIA -- Automated processing and security**
- **Goal:** Improve the automation of FOIA submissions and tracking process by using the full functionality of FOIAXpress and implement FOIAXpress beyond Headquarters FOIA/PA staff. Use specialized CDs to assure requesters they have received an original and official FOIA release of Department

## IV: Elec

- 1. Leverage t  
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Team Lead: \_\_\_\_\_

- 1a: By Nov  
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- 1b: By Janu  
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- 2c: By Ma conversion

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## IV: Electronic

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Team Lead: \_\_\_\_\_

- 3a: By Decem federal FOIA records to FO
- 3b: By May 30 CDs to respon business propo beyond that o

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## IV: Electronic FOI

- 3. (continued) To be completed by September 31, 2007.

- 3c: By June 29, 2007, provide information to consider in determining, in connection with the format to release responsive records.

- 3d: By September 28, 2007, information for releasing responsive records in electronic format.

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## IV: Electronic Records: FOIA I

- 4. Acquire and validate records that were an official record on or before December 31, 2002.

Team Lead: \_\_\_\_\_

- 4a: By February 28, 2003, identify and having CD numbers and nomenclature for FOIA release.
- 4b: By May 31, 2003, complete research and identify CDs.
- 4c: By August 31, 2003, complete CDs manually.

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# V: Multi-Track Processing

- **Multi-Track Processing**
- **Goal:** Establish multi-tracks for processing FOIA/PA requests across the Department.

# V: Multi-Track Processing

- 1. Develop and implement **completed**

Team Lead: \_\_\_\_\_

**Simple Track.** Records from the date of those for which records are available usually focused

- 1a: By August factors in the simple track
- 1b: By September

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# V: Multi-Track Processing

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# V: Multi-Track Processing

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# **VI: Backlog Reduction/Elimination**

- **Backlog Reduction/Elimination.**
- **Goal:** Institute a tracking system to assist in managing the processing of requests remaining open for more than 20 working days, periodically informing requesters of the status of their request, and provide requesters information to consider that may result in faster processing.

# VI: Backlog Reduction/Elimination

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- 1. Implement **completed**

Team Lead: \_\_\_\_\_

- 1a: By Sep  
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- 1b: By Oct  
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# VI: Backlog Reduction / Elimination

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## ■ 1. (continued)

- 1c: By December 2007, the Department shall identify the types of requests that field offices are best positioned to process, and field offices that can serve as specialists for those requests.

- The assessment of requests shall include the types of requests that field offices are best positioned to process, and the types of requests that field offices are best positioned to process.

- The assessment of requests shall include the types of requests that field offices are best positioned to process, and the types of requests that field offices are best positioned to process.

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# VI: Backlog Reduction / Elimination

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## **VII: Improvement Ideas from Field Office Personnel**

- **Improvement ideas from field office personnel.**
- **Goal:** Implement FOIAXpress software in Office for Civil Rights Regional Offices.

## VII: Improve Officer Per

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Field  
ent

- 1. Implement a pilot  
Regional Offices (Sa

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a, PA.)

**To be completed**

Team Lead: \_\_\_\_\_ T

- 2. Implement FOIA  
Offices. **To be co**

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Team Lead: \_\_\_\_\_ T

# VIII: Training and Guidance

- **Training and Guidance.**
- **Goal:** Develop a strategic FOIA/PA awareness outreach training/guidance program for all ED employees and FOIA outreach training/guidance program for specialized audiences.

# VIII: Training and Guidance

- 1. Develop and  
Procedure (SOP)  
processing and g  
**December 29, 2**

Team Lead: \_\_\_\_\_

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From: Eiden, Lee  
Sent: Wednesday, August 23, 2006 5:08 PM  
To: Link, Steven  
Cc: Aten, Nina; Arrington, Angela  
Subject: ED FOIA Plan (Revised)  
Importance: High

Steven,

This is the Department's revised FOIA Plan. It needs to be formally transmitted by Michell to the Department of Justice and OMB. Nina can provide you with additional background.

The transmittal note is listed below including the revised plan (attached).

This should be emailed to:

- \* the Attorney General by electronic transmission to OIP at the following e-mail address:  
Pamela.A.Maida@usdoj.gov.
- \* the Director of OMB at FOIAreporting@omb.eop.gov.

In addition, will you please cc:

- \* Kenneth.A.Hendricks@usdoj.gov
- \* Bob Eitel
- \* Mary Michelson
- \* Scott Anderson
- \* Lee Eiden
- \* Angela Arrington
- \* Dianne Novick
- \* Julian Carpentier

If you have any questions, please contact Angela or myself.

Thanks.

Lee

Lee Eiden  
Acting Director  
Regulatory Information Management Services  
Office of Management  
U.S. Department of Education  
Room 9149 - Potomac Center Plaza  
550 12th Street, SW, Washington, DC 20202  
Telephone: 202.245.6454  
Fax: 202.245.6623

---

Honorable Alberto R. Gonzales  
Attorney General  
Department of Justice

Honorable Rob Portman  
Director  
Office of Management and Budget

Dear Messrs. Gonzales and Portman:

As the Department of Education's (ED) Chief FOIA Officer, I am pleased to transmit to you our agency's FOIA Plan as required by Executive Order 13,392. This document conveys our review of ED's FOIA operations with specific improvements and concrete milestones for FY 2006 and FY 2007. It includes several revisions to our "Backlog Reduction/Elimination" Section to better quantify our goals. Concurrent with this transmittal, we are in the process of posting this report on the Department of Education's FOIA website.

If you have any questions, or wish additional information concerning any component comprising this report, please contact Leo Eiden of my staff (202) 245-6454.

Sincerely,

Michell Clark  
Assistant Secretary for Management

Attachment

From: Eiden, Lee  
Sent: Monday, October 01, 2007 11:06 AM  
To: Kendrick, Tony (Contractor)  
Subject: FW: DRAFT ED FOIA Plan (DOJ Approval)

-----Original Message-----

From: Clark, Michell  
Sent: Wednesday, August 23, 2006 6:00 PM  
To: Eiden, Lee; Mitchelson, Mary; Eitel, Robert S.  
Cc: Aten, Nina; Arrington, Angela; Novick, Dianne; Carpentier, Julian  
Subject: RE: DRAFT ED FOIA Plan (DOJ Approval)

Great news!!! Thanks to all for the very prompt and thorough response.

Make it a Great Day!!

Michell Clark  
Assistant Secretary for Management  
Department of Education  
400 Maryland Ave., S.W.  
Washington, D.C. 20202  
(202) 260-7337

-----Original Message-----

From: Eiden, Lee  
Sent: Wednesday, August 23, 2006 3:54 PM  
To: Clark, Michell; Mitchelson, Mary; Eitel, Robert S.  
Cc: Aten, Nina; Arrington, Angela; Novick, Dianne; Carpentier, Julian  
Subject: DRAFT ED FOIA Plan (DOJ Approval)

Importance: High

Michell, Mary and Bob,

I just got off the phone with Ken Hendricks (DOJ). He has approved our revisions to the FOIA Plan. In addition, he appreciated our "cooperation and fast turnaround." Ken also wanted to let me know that following a thorough review of all agencies plans, the Attorney General will issue a report to the White House and at some point the agencies could be requested to make additional changes. However, he recommended that we formally resent the revised plan to OMB and DOJ; and, to revise our ED FOIA website accordingly.

All in all, an exceptional turnaround in just a week.

OM/RIMS will now prepare the official transmittal email and website revisions.

Lee

Lee Eiden  
Acting Director  
Regulatory Information Management Services  
Office of Management  
U.S. Department of Education  
Room 9149 - Potomac Center Plaza  
550 12th Street, SW, Washington, DC 20202  
Telephone: 202.245.6454  
Fax: 202.245.6623

-----Original Message-----

From: Kenneth.A.Hendricks@usdoj.gov  
[mailto:Kenneth.A.Hendricks@usdoj.gov]  
Sent: Tuesday, August 22, 2006 7:31 AM  
To: Eiden, Lee  
Subject: RE: DRAFT ED FOIA Plan (DOJ Requested Revisions)

Thanks, Lee. I will take a look at this today and give you a call either this afternoon or tomorrow afternoon.

-Ken.

-----Original Message-----

From: Lee.Eiden@ed.gov [mailto:Lee.Eiden@ed.gov]  
Sent: Monday, August 21, 2006 4:01 PM  
To: Hendricks, Kenneth A  
Cc: Michell.Clark@ed.gov; Nina.Aten@ed.gov; Angela.Arrington@ed.gov  
Subject: DRAFT ED FOIA Plan (DOJ Requested Revisions)  
Importance: High

Ken,

Based upon our earlier conversation (Wednesday, August 16) and the information provided in the DOJ FOIA Plan (Section E.7 - "Backlog Reduction" <<http://www.usdoj.gov/04foia/ourplan.htm>>), the Department of Education (ED) has made a number of revisions to our FOIA Plan. More specifically, we've better quantified our "Goal," "Improvement Steps," and "Measurements of Success" relating to our section on "Backlog Reduction/Elimination" (Section 6).

We have already shared this draft with both the ED Office of the General Counsel and the Office of the Inspector General. Both offices agreed with the revisions.

> Our revisions are very similar to the DOJ plan; however, our format is consistent to what we used throughout the document. Please note that all of the revisions are in blue. For ease, the revision are located:

- > \* Cover page
- > \* Page 5
- > \* Pages 10-11
- > \* Page 13

>

> The revised document is attached below:

> > <<ED FOIA PLAN (08.18.06).doc>>

We wanted to share this draft document with you now and hope that you will contact me if you have any questions or concerns. If this addresses your concerns, please let me know. If it does not, I am ready to discuss this at your convenience.

Following a positive review, we will formally retransmit the document to DOJ and OMB. In addition, we will change our ED FOIA website (ed.gov) to note that this document has been revised from the earlier version, and more specifically direct the readers/viewers attention to "Backlog Reduction/Elimination" (Section 6).

I remain optimistic that all of this work will be completed by September 12.

I will be here through Wednesday (August 23) and then out on vacation through September 5 (Tuesday). During my absence, please feel free to contact Angela Arrington, our senior FOIA Public Liaison (angela.arrington@ed.gov; 202.245.6409).

> Lee

>

>

> Lee Eiden

> Acting Director

> Regulatory Information Management Services

> Office of Management

> U.S. Department of Education

> Room 9149 - Potomac Center Plaza

> 550 12th Street, SW, Washington, DC 20202

> Telephone: 202.245.6454

> Fax: 202.245.6623

From: Kendrick, Tony (Contractor)  
Sent: Wednesday, August 23, 2006 1:43 PM  
To: Arrington, Angela  
Cc: Carter, Jennifer (Contractor)  
Subject: Updated FOIA Plan PowerPoint

Angela, good afternoon. This is to follow-up our brief conversation yesterday.

Attached are the updated FOIA Improvement Plan slides. Each primary action item has an indication of:

"Team Lead: \_\_\_\_\_ Team Member(s): \_\_\_\_\_ " to be filled in (possibly at a joint meeting of all the staff to review the proposed plan).

I followed Jennifer's e-mail of August 10th outlining changes - some of which affected the slides. However, the Backlog slides I did not adjust to reflect changes I provided to y'all last Thursday. Once that comes back I can reflect those adjustments.

I have not made any changes to the "Deadlines!" document - but if that is going to be shared before the Plan is adopted by all the players (which might affect proposed due dates), I can do that.

The only suggestion regarding the slides you might want to consider - (b)(5) (putting in yellow text the date that was submitted in the original plan. If a "yellow" date were to be changed, then our Plan posted on the web would need to be updated to reflect the change. Particularly useful if a guideline is going to be that no yellow dates can be extended, only shortened.

Thanks! -- Tony

Tony Kendrick, SAIC Lead FOIA Specialist  
Regulatory Information Management Services  
Freedom of Information Act  
Department of Education  
Office: 202-245-6563; Fax: (202) 245- 6623

# U.S. Department of Education



## F...A Improvement Implementation plan

Version: 1  
July 28, 2006

Submitted by:  
...ce Applications International Corp. (SAIC)

# Improve

- Directives to improve development and
- Revised ED FOIA
- FOIA Guidelines for reduction, and
- Website updates for record posting
- FOIAXpress to

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# I. Affirmative Disclosure

- **Affirmative disclosure under subsection 3(b)(ii) of Executive Order 13392**
- **Goal:** Serve the interests of the public for information about ED operations and programs through proactive access to FOIA cleared documents likely to generate FOIA requests.

# I: Affirmative Disclosure Improvement

- 1: Place into the Departmental internal review process directives that identify, in advance, certain records or information that are likely to be of such interest to members of the public they will submit FOIA requests for the records and that also outlines program responsibility to reduce or avoid such outcomes. **To be completed by March 30, 2007.**

Team Lead: \_\_\_\_\_ Team Member(s): \_\_\_\_\_

- 1a: By November 30, 2006, modify or develop a DRAFT management directive indicating at what point in document development the ED FOIA Staff will be consulted for the purpose of modifying the document to avoid the need for the application of FOIA exemptions or that will minimize the need to apply FOIA exemptions.

# I: Affirmative Disclosure Improvement

- 1: (continued). **To be completed by March 30, 2007.**
  - 1b: By December 29, 2006, modify or develop a DRAFT management directive that will require a FOIA-releasable document be created for release concurrent with an announcement or public release of information related to a Department document.
  - 1c: By January 31, 2007, modify or develop a DRAFT FOIA SOP directive that outlines the pre-FOIA-request redaction and posting process.
  - 1d: By March 30, 2007, place management directives and SOPs (described above), into Departmental clearance process for review, comment, and eventual implementation.

# I: Affirmative Disclosure Improvement

- 2: Increase use of electronic information technology to facilitate ready-access to information of interest to the public. **To be completed by March 30, 2007.**

Team Lead: \_\_\_\_\_ Team Member(s): \_\_\_\_\_

- 2a: By November 30, 2006, identify training needs to increase use of capabilities of FOIAXpress.

# I: Affirmative Disclosure

## Imp

- 2: (continued) To be completed by March 30, 2007.

- 2b: By December 29, 2006, the agency shall submit a report on the use of FOIAXpress featuring information on the number of documents of information has been released in response to incoming FOIA requests and the number of documents of information about documents of the agency.

- 2c: By March 30, 2007, the agency shall submit a report on the results of FOIAXpress training.

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## II: Proactive Disclosure

- **Proactive disclosure of records.**
- **Goal:** Make records available to the public on own initiative so that there is less likelihood that records will become the subjects of FOIA requests filed by persons who are interested in obtaining such records.

## II: Project Description

- 1: Establish a Director's Office of the Chief Information Officer and Outreach, and outlining a process of grant and contract public interest and in advance of release redacted copies prior coincident with a **by June 29, 2007**

Team Lead: \_\_\_\_\_

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- 1a: No later than the implementation of ED management disclosure, conduct a Directive regarding dissemination requests.
- 1b: Provide a... all parties by 1...
- 1c: By June 2...

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## II: Proactive Disclosure

- 2: Identify, in the Communication Proactive Disclosure, documents that are likely to be redacted versions of testimony, or documents referenced in public affairs channels to assist public affairs in explaining the status of the documents. The public affairs channels include the Reading Room, the press and the public

Team Lead: \_\_\_\_\_

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- 2a: No later than 30 days after the relationship sues or, at a minimum, testimony to be requested under

- 2b: By May 30, 2007, process for an order to avoid any possible testimony pre

- 2c: By June 29, 2007,

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- 3: Increase internal coordination to ensure all FOIA-requests are **be completed**

Team Lead: \_\_\_\_\_

- 3a: By January 2010, increase intra-agency coordination to determine potential for redactions in the Reading Room

- 3b: By March 2010, increase

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## II: Proactive Disclosure

### Imp

- 4: All documents requested by March 30, 2007, will be made available in the Room. **To be completed**

Team Lead: \_\_\_\_\_

- 4a. By January 31, 2007, all documents requested more than twice continue to be made available in the Room.
- 4b. By March 30, 2007, all documents requested more than twice by March 30, 2007, will be made available in the Room.

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## II: Proactive Disclosure

- 5: Rule-of-Three by **March 30**,  
Team Lead: \_\_\_\_\_

- 5a: By February guideline to use "rule of three" request process and post in Reading Room to ensure availability of information for posting.
- 5b: By March guideline.

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## II: Proposed Disposition

(b)(2), (b)(5)

- 6. Implement language and and database searches can collection and  
**To be completed**

Team Lead: \_\_\_\_\_

- 6a: By Sept internal FOIA
- 6b: By Oct Staff and FOIA comment.
- 6c: By Nov

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## II: Proactive Disclosure Improvement

- 7. Routinely use technology to track and identify trends on daily basis to use in determining whether to post releases in the E-FOIA Reading Room. **To be started by requirement by December 31, 2010**

(b)(2), (b)(5)

# III: FOIA Website Improvement

- **Overall Website Improvement.**
- **Goal:** Implement web enhancements as a result of a review of its current structure.

### III: FOIA V

(b)(2), (b)(5)

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- 1. Review and e  
use by web visit

**December 29, 2**

Team Lead: \_\_\_\_\_

- 1a: By Septemb  
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- 1b: By October  
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# III: FOIA

- 1. (continued)  
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- 1c: By Novem  
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- 1d: By Decem  
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### III: FOIA

- 2. Update information to reflect the design of 13392. **To be completed by June 30, 2013.**  
Team Lead: \_\_\_\_\_

- 2a: By June 30, 2013, update the Chief of Police's website to reflect the Chief of Police's new name and the FOIA's new name.

- 2b: By July 31, 2013, update the Chief of Police's website pages.

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### III: FOL

- 3. Redesign E-FOIA Reading Room to accommodate increased volume of requests based upon e-FOIA trends. **completed by**

Team Lead: \_\_\_\_\_

- 3a: By September 2010, redesign and re-launch the E-FOIA Reading Room released via the Department of Justice website.

- 3b: By December 2010, redesign Website page for E-FOIA Reading Room.

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## IV: Electronic FOIA

- **Electronic FOIA -- Automated processing and security**
- **Goal:** Improve the automation of FOIA submissions and tracking process by using the full functionality of FOIAXpress and implement FOIAXpress beyond Headquarters FOIA/PA staff. Use specialized CDs to assure requesters they have received an original and official FOIA release of Department

## IV: Elect

- 1. Leverage the better recognition

**To be compl**

Team Lead: \_\_\_\_\_

- 1a: By November training mod

- 1b: By January programs the of a request.

- 1c: By March training mod

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## IV: Elec

- 2. Use FOIA or the internet

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- 2c: By Ma training mo

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## IV: Electronic

- 3. Develop a cost-effective, most user-friendly system that will provide high volume of information **completed by**

Team Lead: \_\_\_\_\_

- 3a: By December 31, 2000, submit a federal FOIA request for records to FOIA
- 3b: By May 30, 2001, submit CDs to respond to business proposals beyond that of

(b)(2), (b)(5)

## IV: Electronic FOI

- 3. (continued) To be completed by June 30, 2007.
  - 3c: By June 29, 2007, provide information to be considered in determining, in conjunction with the format to release responsive records, the format to release responsive records.
  - 3d: By September 28, 2007, in conjunction with the format to release responsive records, the format to release responsive records.

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## IV: Electronic Records: FOIA I

- 4. Acquire and validate records that were an official part of the project by **December 31, 2011**.

Team Lead: \_\_\_\_\_

- 4a: By February 28, 2012, the team, including CD, shall develop a nomenclature for the project and submit a FOIA release request.
- 4b: By March 31, 2012, the team shall complete the research and security analysis of the records.
- 4c: By August 31, 2012, the team shall complete the CDs manufacturing and distribution.

(b)(2), (b)(5)

# V: Multi-Track Processing

- **Multi-Track Processing**
- **Goal:** Establish multi-tracks for processing FOIA/PA requests across the Department.

# V: Multi-Track Processing

- 1. Develop and implement completed

Team Lead: \_\_\_\_\_

**Simple Track.** Records from the date of those for which records are available usually focused

- 1a: By August factors in the simple track
- 1b: By September

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# V: Multi-Track Decision

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- 1d: By Aug  
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- 1e: By Sept

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## V: Multi

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- 1. (continued)  
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**Complex Track:** Requesters may be removed from the process from the outset if their requests involve an extensive search of the volume of records, require numerous consultations. Complex requests may also involve possibly historical records outside the scope. Because complex requests require a response, the request has been prioritized and provided all other requests are processed in accordance with regulations.

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# V: Multi-Track Processing

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**Expedited Track:** Re  
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## V: M

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- 2. Revise and  
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Team Lead: \_\_\_\_\_

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- 2c: By Marc  
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# V: Multi-Tiered Review

## Important

- 2. (continued) To be published by June 29, 2007.
  - 2d: By April 30, 2007, the final report must be received during the comment period.
  - 2e: By May 30, 2007, the final report must be published as a final report.
  - 2f: By June 29, 2007, the final report must be published as a final report.

(b)(2),(b)(5)

# **VI: Backlog Reduction/Elimination**

- **Backlog Reduction/Elimination.**
- **Goal:** Institute a tracking system to assist in managing the processing of requests remaining open for more than 20 working days, periodically informing requesters of the status of their request, and provide requesters information to consider that may result in faster processing.

# VI: Backlog Reduction/Elimination

(b)(2), (b)(5)

- 1. Implement **completed**

Team Lead: \_\_\_\_\_

- 1a: By Sep  
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- 1b: By Oct  
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# VI: Backlog Reduction / Elimination

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## ■ 1. (continued)

- 1c: By December 2007, the Department shall identify the types of requests that field offices are best positioned to process, and field offices that can serve as specialists for those requests.

- The assessment of requests shall include the types of requests that field offices are best positioned to process, and the types of requests that field offices are best positioned to process at headquarters.

- The assessment of requests shall include the types of requests that field offices are best positioned to process, and the types of requests that field offices are best positioned to process at headquarters.

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# VI: Backlog Reduction/Elimination

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## **VII: Improvement Ideas from Field Office Personnel**

- **Improvement ideas from field office personnel.**
- **Goal:** Implement FOIAXpress software in Office for Civil Rights Regional Offices.

## VII: Improvement of Field Officer Personnel

- 1. Implement a pilot F
- Regional Offices (San

**To be completed**

Team Lead: \_\_\_\_\_ Tea

- 2. Implement FOIAX
- Offices. **To be com**

Team Lead: \_\_\_\_\_ Tea

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# VIII: Training and Guidance

- **Training and Guidance.**
- **Goal:** Develop a strategic FOIA/PA awareness outreach training/guidance program for all ED employees and FOIA outreach training/guidance program for specialized audiences.

## VIII: Training and Guidance

(b)(2), (b)(5)

- 1. Develop and implement a Standard Operating Procedure (SOP) for processing and disseminating information by **December 29,**

Team Lead: \_\_\_\_\_

- 1a. By September 30, 2011, the SOP must be developed and implemented.
- 1b. By December 29, 2011, the SOP must be updated to reflect the results of the review.

FOIA  
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Operating

## VIII: Training and Coordination

- 2. Initiate qualification training for Liaison Coordinators. 2006.

Team Lead: \_\_\_\_\_

- 2a: By August 2006, Liaison Coordinators
- 2b: By July 31, 2006, appropriate S&T personnel will receive quarterly training

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dinators

## VIII: T . . . 10:1 e

(b)(2),(b)(5)

- 3. Review D  
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**December.**

Team Lead: \_\_\_\_\_

- 3a: By Nov  
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- 3b: By Dec  
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# VIII: Training and Guidance

- 4. Develop  
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**December**

Team Lead: \_\_\_\_\_

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From: Kenneth.A.Hendricks@usdoj.gov  
[mailto:Kenneth.A.Hendricks@usdoj.gov]  
Sent: Tuesday, August 22, 2006 7:31 AM  
To: Eiden, Lee  
Subject: RE: DRAFT ED FOIA Plan (DOJ Requested Revisions)

Thanks, Lee. I will take a look at this today and give you a call either this afternoon or tomorrow afternoon.

-Ken.

-----Original Message-----

From: Lee.Eiden@ed.gov [mailto:Lee.Eiden@ed.gov]  
Sent: Monday, August 21, 2006 4:01 PM  
To: Hendricks, Kenneth A  
Cc: Michell.Clark@ed.gov; Nina.Aten@ed.gov; Angela.Arrington@ed.gov  
Subject: DRAFT ED FOIA Plan (DOJ Requested Revisions)  
Importance: High

Ken,

Based upon our earlier conversation (Wednesday, August 16) and the information provided in the DOJ FOIA Plan (Section E.7 - "Backlog Reduction" <<http://www.usdoj.gov/04foia/ourplan.htm>>), the Department of Education (ED) has made a number of revisions to our FOIA Plan. More specifically, we've better quantified our "Goal," "Improvement Steps," and "Measurements of Success" relating to our section on "Backlog Reduction/Elimination" (Section 6).

We have already shared this draft with both the ED Office of the General Counsel and the Office of the Inspector General. Both offices agreed with the revisions.

> Our revisions are very similar to the DOJ plan; however, our format is consistent to what we used throughout the document. Please note that all of the revisions are in blue. For ease, the revision are located:

- > \* Cover page
- > \* Page 5
- > \* Pages 10-11
- > \* Page 13

>

> The revised document is attached below:

> > <<ED FOIA PLAN (08.18.06).doc>>

We wanted to share this draft document with you now and hope that you will contact me if you have any questions or concerns. If this addresses your concerns, please let me know. If it does not, I am ready to discuss this at your convenience.

Following a positive review, we will formally retransmit the document to DOJ and OMB. In addition, we will change our ED FOIA website (ed.gov) to note that this document has been revised from the earlier version, and more specifically direct the readers/viewers attention to "Backlog Reduction/Elimination" (Section 6).

I remain optimistic that all of this work will be completed by September 12.

I will be here through Wednesday (August 23) and then out on vacation through September 5 (Tuesday). During my absence, please feel free to contact Angela Arrington, our senior FOIA Public Liaison (angela.arrington@ed.gov; 202.245.6409).

> Lee  
>  
>  
> Lee Eiden  
> Acting Director  
> Regulatory Information Management Services  
> Office of Management  
> U.S. Department of Education  
> Room 9149 - Potomac Center Plaza  
> 550 12th Street, SW, Washington, DC 20202  
> Telephone: 202.245.6454  
> Fax: 202.245.6623

From: Eiden, Lee  
Sent: Monday, August 21, 2006 4:01 PM  
To: 'kenneth.a.hendricks@usdoj.gov'  
Cc: Clark, Michell; Aten, Nina; Arrington, Angela  
Subject: DRAFT ED FOIA Plan (DOJ Requested Revisions)  
Importance: High

Ken,

Based upon our earlier conversation (Wednesday, August 16) and the information provided in the DOJ FOIA Plan (Section E.7 - "Backlog Reduction" <<http://www.usdoj.gov/04foia/ourplan.htm>>), the Department of Education (ED) has made a number of revisions to our FOIA Plan. More specifically, we've better quantified our "Goal," "Improvement Steps," and "Measurements of Success" relating to our section on "Backlog Reduction/Elimination" (Section 6).

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I will be here through Wednesday (August 23) and then out on vacation through September 5 (Tuesday). During my absence, please feel free to contact Angela Arrington, our senior FOIA Public Liaison ([angela.arrington@ed.gov](mailto:angela.arrington@ed.gov); 202.245.6409).

Lee

Lee Eiden  
Acting Director  
Regulatory Information Management Services  
Office of Management  
U.S. Department of Education  
Room 9149 - Potomac Center Plaza  
550 12th Street, SW, Washington, DC 20202  
Telephone: 202.245.6454  
Fax: 202.245.6623

From: Eiden, Lee  
Sent: Monday, August 21, 2006 3:04 PM  
To: Mitchelson, Mary; Clark, Michell; Eitel, Robert S.  
Cc: Aten, Nina; Arrington, Angela; Novick, Dianne; Eason, Chaun; Carpentier, Julian  
Subject: RE: ED FOIA Plan (DOJ Requested Revisions)

Mary,  
Thanks for your quick response. Since both OIG and OGC have agreed, we (OM) will now informally share the document with Mr. Kendrick (DOJ). If he has no substantive issues, we will formally resubmit and revise the ED FOIA website.  
Lee

-----Original Message-----

From: Mitchelson, Mary  
Sent: Monday, August 21, 2006 2:59 PM  
To: Eiden, Lee; Clark, Michell; Eitel, Robert S.  
Cc: Aten, Nina; Arrington, Angela; Novick, Dianne; Eason, Chaun  
Subject: RE: ED FOIA Plan (DOJ Requested Revisions)

Lee,  
We have no comments on the revised plan. Thanks for the chance to review this.  
Mary

Mary Mitchelson  
Counsel to the Inspector General  
Department of Education  
550 12th Street, S.W., Rm. 8093  
Washington, D.C. 20024  
202-245-6987  
mary.mitchelson@ed.gov

-----Original Message-----

From: Eiden, Lee  
Sent: Friday, August 18, 2006 3:13 PM  
To: Clark, Michell; Mitchelson, Mary; Eitel, Robert S.  
Cc: Aten, Nina; Arrington, Angela; Novick, Dianne  
Subject: ED FOIA Plan (DOJ Requested Revisions)  
Importance: High

On Wednesday (August 16), both the Assistant Secretary (Michell Clark) and I received telephone calls from Ken Hendricks at the Department of Justice (DOJ) regarding our "FOIA Plan."

Mr. Hendricks believes that there is a potential deficiency concerning our section on "Backlog Reduction/Elimination" (Section 6). More specifically, he asked that we quantify our reductions. He recommended that we review this section in the DOJ plan. RIMS has done so and we have revised our plan accordingly. Before moving forward, we want to share this material with both the Office of the General Counsel and the Office of the Inspector General reviewed the initial plan.

Below is the hyperlink for the DOJ Plan. As this is an extensive document, it is helpful to know that the pertinent section is near the beginning (Section E.7 - "Backlog Reduction").

<<http://www.usdoj.gov/04foia/ourplan.htm>>

Our revisions are very similar to the DOJ plan; however, our format is consistent to what we used throughout the document. Please note that all of the revisions are in blue. For ease, the revision are located:

- \* Cover page
- \* Page 5
- \* Pages 10-11
- \* Page 13

The revised document is attached below:

<< File: ED FOIA PLAN (08.18.06).doc >>

Mr. Hendricks requested that our agency complete all revisions, renotify DOJ and OMB, and post the document on our website by September 12. He also requested that we amend our website to ensure that any user understands what section was revised and note the document accordingly. I assured him that we would comply.

If you agree with the proposed revisions, I will share it with Mr. Hendricks before the document is transmitted and posted.

If you have any questions, please contact me.

Lee

Lee Eiden  
Acting Director  
Regulatory Information Management Services  
Office of Management  
U.S. Department of Education  
Room 9149 - Potomac Center Plaza  
550 12th Street, SW, Washington, DC 20202  
Telephone: 202.245.6454  
Fax: 202.245.6623

From: Clark, Michell  
Sent: Monday, August 21, 2006 12:02 PM  
To: Haubert, William; Eiden, Lee  
Cc: Eitel, Robert S.  
Subject: RE: FOIA Plan

Thanks Will. Based upon information from Lee to you earlier, we will count this as OGC concurrence.

Make it a Great Day!!

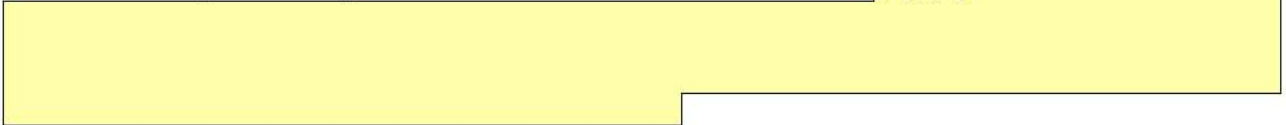
Michell Clark  
Assistant Secretary for Management  
Department of Education  
400 Maryland Ave., S.W.  
Washington, D.C. 20202  
(202) 260-7337

-----Original Message-----

From: Haubert, William  
Sent: Monday, August 21, 2006 10:55 AM  
To: Eiden, Lee  
Cc: Clark, Michell; Eitel, Robert S.  
Subject: FOIA Plan

Lee --

Thanks for sending the revised plan to OGC for review. I have one observation. (b)(5)

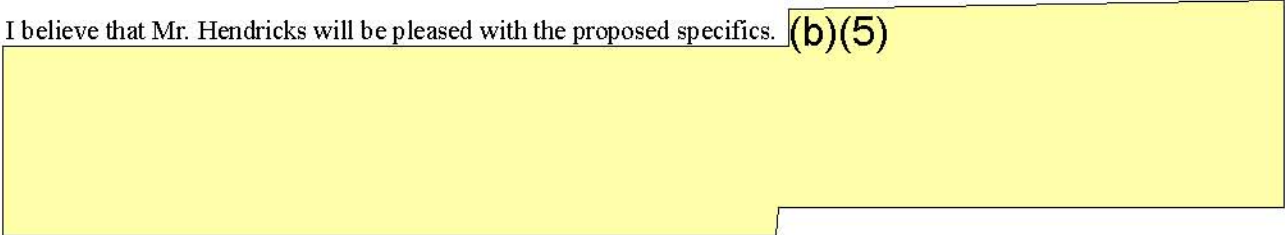


Will Haubert

From: Eiden, Lee  
Sent: Monday, August 21, 2006 11:12 AM  
To: Haubert, William  
Cc: Clark, Michell; Eitel, Robert S.  
Subject: RE: FOIA Plan

Will,

I believe that Mr. Hendricks will be pleased with the proposed specifics. (b)(5)



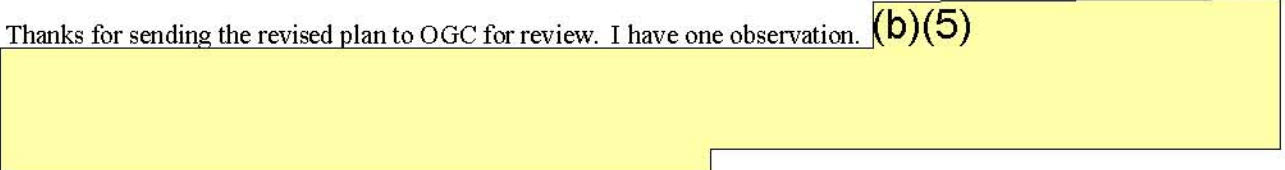
Lee

-----Original Message-----

From: Haubert, William  
Sent: Monday, August 21, 2006 10:55 AM  
To: Eiden, Lee  
Cc: Clark, Michell; Eitel, Robert S.  
Subject: FOIA Plan

Lee --

Thanks for sending the revised plan to OGC for review. I have one observation. (b)(5)



Will Haubert

From: Clark, Michell  
Sent: Monday, August 21, 2006 9:32 AM  
To: Eiden, Lee; Mitchelson, Mary; Eitel, Robert S.  
Cc: Aten, Nina; Arrington, Angela; Novick, Dianne  
Subject: RE: ED FOIA Plan (DOJ Requested Revisions)

Mary and Bob,

Thanks for your assistance in reviewing this document. I think Lee and his team have done a good job of quantifying our reductions. We look forward to receiving your feedback.

Make it a Great Day!!

Michell Clark  
Assistant Secretary for Management  
Department of Education  
400 Maryland Ave., S.W.  
Washington, D.C. 20202  
(202) 260-7337

-----Original Message-----

From: Eiden, Lee  
Sent: Friday, August 18, 2006 3:13 PM  
To: Clark, Michell; Mitchelson, Mary; Eitel, Robert S.  
Cc: Aten, Nina; Arrington, Angela; Novick, Dianne  
Subject: ED FOIA Plan (DOJ Requested Revisions)  
Importance: High

On Wednesday (August 16), both the Assistant Secretary (Michell Clark) and I received telephone calls from Ken Hendricks at the Department of Justice (DOJ) regarding our "FOIA Plan."

Mr. Hendricks believes that there is a potential deficiency concerning our section on "Backlog Reduction/Elimination" (Section 6). More specifically, he asked that we quantify our reductions. He recommended that we review this section in the DOJ plan. RIMS has done so and we have revised our plan accordingly. Before moving forward, we want to share this material with both the Office of the General Counsel and the Office of the Inspector General reviewed the initial plan.

Below is the hyperlink for the DOJ Plan. As this is an extensive document, it is helpful to know that the pertinent section is near the beginning (Section E.7 - "Backlog Reduction").

<<http://www.usdoj.gov/04foia/ourplan.htm>>

Our revisions are very similar to the DOJ plan; however, our format is consistent to what we used throughout the document. Please note that all of the revisions are in blue. For ease, the revision are located:

- \* Cover page
- \* Page 5
- \* Pages 10-11
- \* Page 13

The revised document is attached below:

<< File: ED FOIA PLAN (08.18.06).doc >>

Mr. Hendricks requested that our agency complete all revisions, renotify DOJ and OMB, and post the document on our website by September 12. He also requested that we amend our website to ensure that any user understands what section was revised and note the document accordingly. I assured him that we would comply.

If you agree with the proposed revisions, I will share it with Mr. Hendricks before the document is transmitted and posted.

If you have any questions, please contact me.

Lee

Lee Eiden  
Acting Director  
Regulatory Information Management Services  
Office of Management  
U.S. Department of Education  
Room 9149 - Potomac Center Plaza  
550 12th Street, SW, Washington, DC 20202  
Telephone: 202.245.6454  
Fax: 202.245.6623

From: Eiden, Lee  
Sent: Friday, August 18, 2006 10:00 AM  
To: Arrington, Angela  
Subject: ED FOIA Plan (2006) - Revised  
Importance: High

Angela,

Here is the redrafted FOIA Plan (2006). Julian reviewed it for me yesterday. I have incorporated his comments.

Can you please review? Do you have time this am, as I would like to send it to Michell and Bob Eitel for review later today?

Lee

Lee Eiden  
Acting Director  
Regulatory Information Management Services  
Office of Management  
U.S. Department of Education  
Room 9149 - Potomac Center Plaza  
550 12th Street, SW, Washington, DC 20202  
Telephone: 202.245.6454  
Fax: 202.245.6623

From: Clark, Michell  
Sent: Thursday, August 17, 2006 10:45 AM  
To: Eiden, Lee  
Cc: Aten, Nina; Anderson, Scott; Link, Steven; Arrington, Angela  
Subject: RE: Executive Order 13392

Lee,

Thanks much. Please let me know if you need my assistance.

Make it a Great Day!!

Michell Clark  
Assistant Secretary for Management  
Department of Education  
400 Maryland Ave., S.W.  
Washington, D.C. 20202  
(202) 260-7337

-----Original Message-----

From: Eiden, Lee  
Sent: Thursday, August 17, 2006 10:38 AM  
To: Clark, Michell  
Cc: Aten, Nina; Anderson, Scott; Link, Steven; Arrington, Angela  
Subject: RE: Executive Order 13392

Michell,

Just got off the phone with Ken -- we had been playing telephone tag.

I informed him that we have already downloaded and reviewed the "backlog" component of the DOJ plan and were currently in the process of revising our plan to include the quantification that DOJ has requested. We agreed that we (ED) will forward our proposed revision to him. Once approved, we will revise our plan. There are some remaining questions on how best to note these revisions on the ED FOIA website. I do feel confident that we will find a way to address his request.

In addition, I agreed that we (ED) commit to the DOJ September 12 due date -- in fact, I told Ken that we intend to wrap this up within the next few days.

I will keep you posted.

Lee

-----Original Message-----

From: Clark, Michell  
Sent: Wednesday, August 16, 2006 2:53 PM  
To: Eiden, Lee  
Cc: Aten, Nina; Anderson, Scott; Link, Steven  
Subject: Executive Order 13392

Lee,

I received a call from Ken Hendricks, DOJ (202-514-0833) regarding our FOIA plan. He indicated that ED had the potential for a deficiency with regard to backlogs. The thing that is missing is that we did not quantify our reduction.

He recommended looking at the DOJ plan that is posted, in the OID section. He requested that we indicate to DOJ by 12 September what our measures would be or at least that we were working on the measures and when we expected to have them. Would you please give him a call to verify that I have the information correct and then get with me on our target reduction? Thanks.

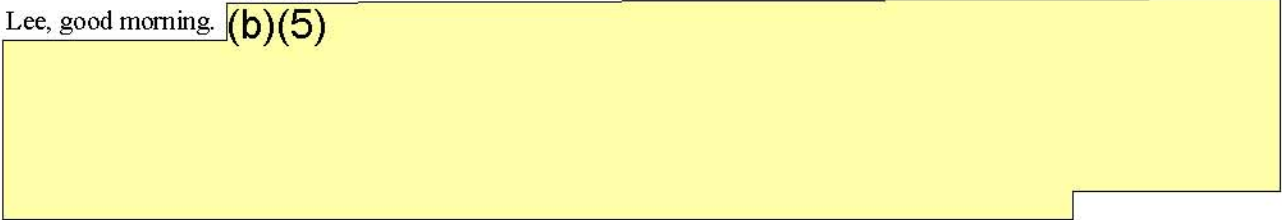
Steven - please add to suspense list for 11 September. Thanks.

Make it a Great Day!!

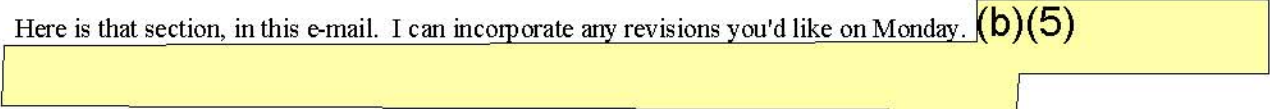
Michell Clark  
Assistant Secretary for Management  
Department of Education  
400 Maryland Ave., S.W.  
Washington, D.C. 20202  
(202) 260-7337

From: Kendrick, Tony (Contractor)  
Sent: Thursday, August 17, 2006 10:42 AM  
To: Eiden, Lee  
Cc: Arrington, Angela  
Subject: The revised Backlog Reduction section of the Plan

Lee, good morning. (b)(5)



Here is that section, in this e-mail. I can incorporate any revisions you'd like on Monday. (b)(5)

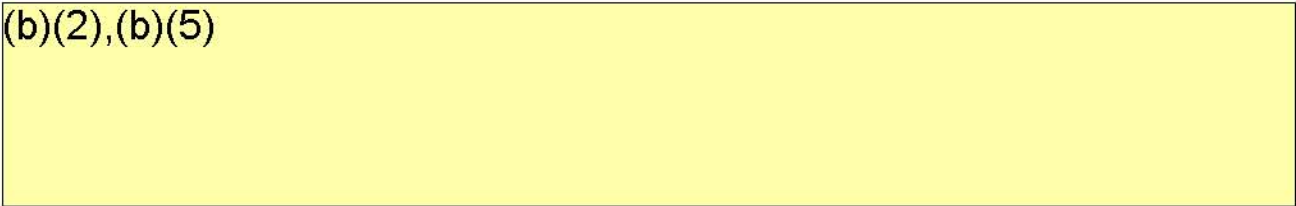


Thanks!

See you Monday. Heading out now. -- Tony

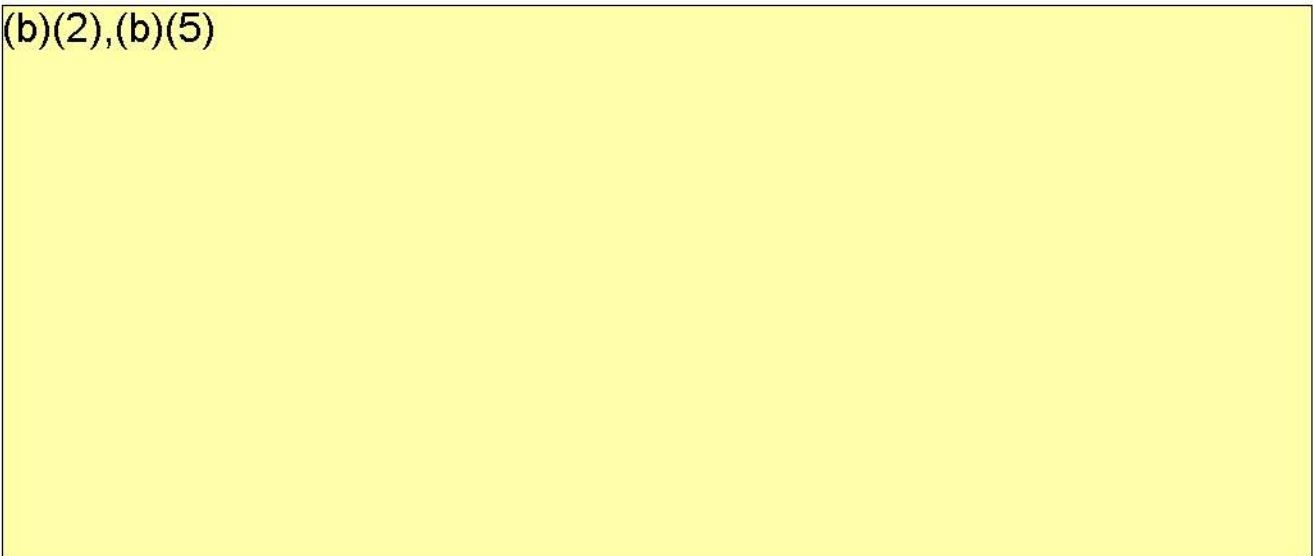
6. Backlog Reduction/Elimination

(b)(2),(b)(5)

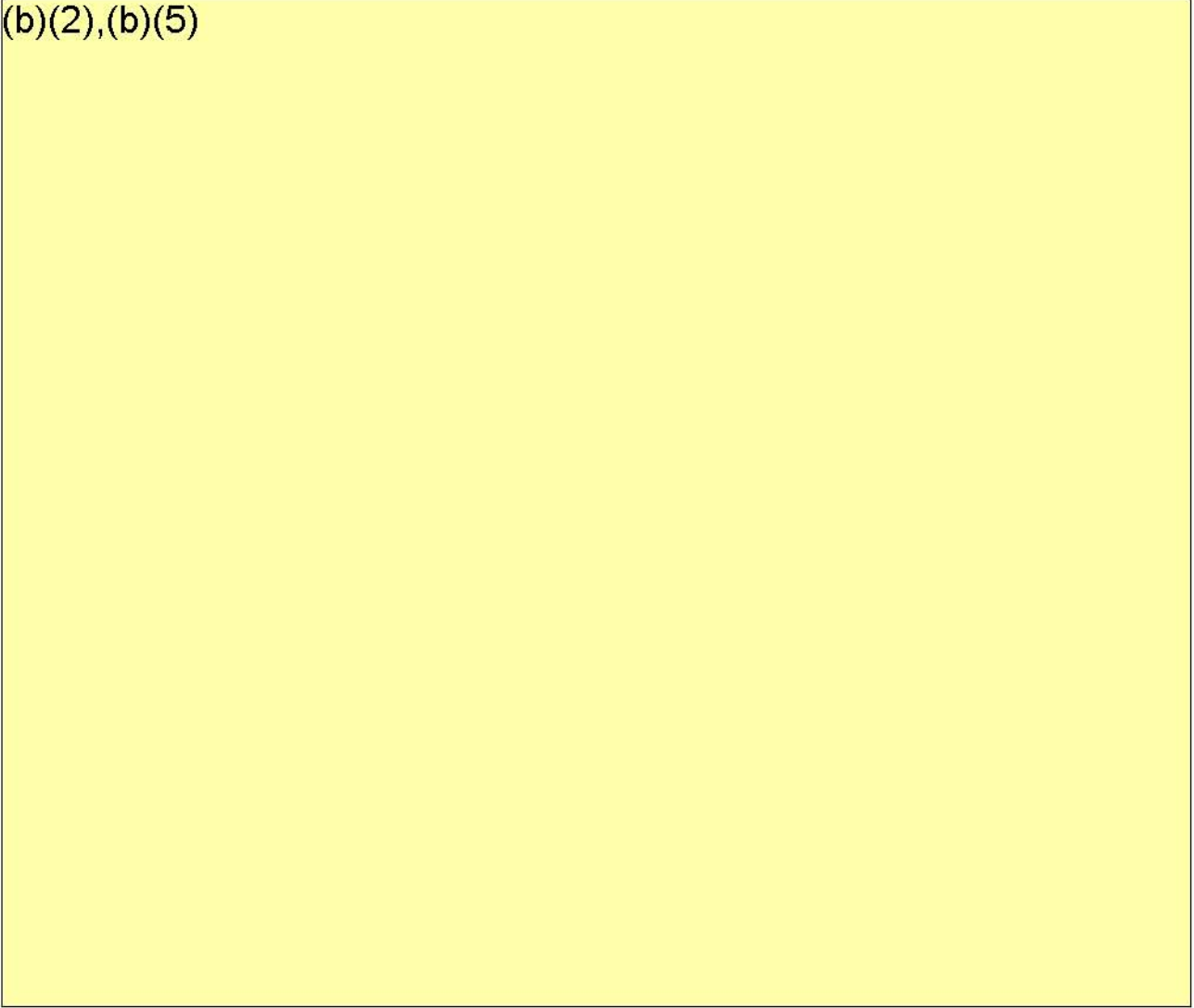


Improvement Steps

(b)(2),(b)(5)



(b)(2),(b)(5)



Tony Kendrick, SAIC Lead FOIA Specialist  
Regulatory Information Management Services  
Freedom of Information Act  
Department of Education  
Office: 202-245-6563; Fax: (202) 245- 6623

From: El-Naggar, Jennifer (Contractor)  
Sent: Thursday, August 10, 2006 2:22 PM  
To: Eiden, Lee; Novick, Dianne; Arrington, Angela  
Cc: Kendrick, Tony (Contractor); Carter, Jennifer (Contractor)  
Subject: FOIA Plan implementation - notes

Lee, Dianne, and Angela,

Please find attached the notes from the FOIA Plan implementation presentation that Tony gave on July 28.

Thank you,  
Jennifer

FOIA Plan Implementation  
Results of Presentation and RIMS Discussion, July 28, 2006

Participants: presented by Tony Kendrick, attended by Lee Eiden, Angela Arrington, Dianne Novick, Jennifer Carter, and Jennifer El-Naggar.

General Overarching Comments (not specific to any particular improvement, sometimes affecting multiple improvements)

1. (b)(2),(b)(5)

2.

3.

4.

5.

Comments on Improvements

1. (b)(2),(b)(5)

2.

Note: bold black text references slide titles from the 7/28 presentation. Blue bold text points out specific actionees and outcomes discussed in the meeting.

FOIA Plan Implementation  
Results of Presentation and RIMS Discussion, July 28, 2006

3. (b)(2),(b)(5)

4.

5.

6.

7.

8.

9.

10.

11.

12.

Note: bold black text references slide titles from the 7/28 presentation. Blue bold text points out specific actionees and outcomes discussed in the meeting.

FOIA Plan Implementation  
Results of Presentation and RIMS Discussion, July 28, 2006

(b)(2),(b)(5)

13.

14.

15.

Note: bold black text references slide titles from the 7/28 presentation. Blue bold text points out specific actionees and outcomes discussed in the meeting.

10/16/2007

Prepared by RIMS

From: Eiden, Lee  
Sent: Tuesday, June 20, 2006 4:10 PM  
To: Arrington, Angela; Axt, Kathy; Carey, Sheila; Carpentier, Julian; Cueva, Maria-Teresa; Darby, Linda; Eiden, Lee; Hyler, James; Ingalls, Katrina; Jessup, Bennie; Mladina, Suzana; Novick, Dianne; Reese, Vivian; Roberts, Alexia; Rudolph, Kim; Schubart, Joe; Swafford, Christie; Washington, Tomakie; Wooley, Kitty; Bell, Keedah (Contractor); Carter, Jennifer (Contractor); El-Naggar, Jennifer (Contractor); Garrett, Patrice (Contractor); Karamchandani, Rohit (Contractor); Le, Quyen (Contractor); Madrid, Erica (Contractor); Mullan, Kate (Contractor); Patty Baird (Patricia W.) (E-mail); Saunders, Elizabeth (Contractor); Saunders, John (Contractor); Smith, Sherry (Contractor)  
Subject: ED FOIA Plan Website Posting

Folks,

The ED "FOIA Plan" was placed on the Department's FOIA website. It can be found in the "More Resources" information box:

<http://www.ed.gov/policy/gen/leg/foia/foiatoc.html>

Lee

Lee Eiden  
Acting Director  
Regulatory Information Management Services  
Office of Management  
U.S. Department of Education  
Room 9149 - Potomac Center Plaza  
550 12th Street, SW, Washington, DC 20202  
Telephone: 202.245.6454  
Fax: 202.245.6623

From: Eiden, Lee  
Sent: Monday, June 19, 2006 4:42 PM  
To: Clark, Michell  
Cc: Aten, Nina; Eitel, Robert S.  
Subject: ED FOIA Plan Website Posting  
Importance: High

Michell,

Per the requirements of the Presidential FOIA Executive Order, the ED "FOIA Plan" was placed on the Department's FOIA website. It can be found in the "More Resources" information box:  
<http://www.ed.gov/policy/gen/leg/foia/foiatoc.html>

Lee

Lee Eiden  
Acting Director  
Regulatory Information Management Services  
Office of Management  
U.S. Department of Education  
Room 9149 - Potomac Center Plaza  
550 12th Street, SW, Washington, DC 20202  
Telephone: 202.245.6454  
Fax: 202.245.6623

## Nonresponsive

**From:** Eiden, Lee  
**Sent:** Monday, June 19, 2006 2:10 PM  
**To:** Novick, Dianne; Carpentier, Julian  
**Cc:** El-Naggar, Jennifer (Contractor); Carter, Jennifer (Contractor)  
**Subject:** FW: ...FW: Changes to FOIA Page

Sorry, I forwarded this to Angela and Stephanie but forgot you.  
Lee

-----Original Message-----

**From:** Jabarei, Calik  
**Sent:** Monday, June 19, 2006 1:48 PM  
**To:** Eiden, Lee; Aten, Nina  
**Cc:** Jabarei, Calik  
**Subject:** ...FW: Changes to FOIA Page

Lee and Nina...

The OM WEBMASTER will be taking care of this today.

(b)(6)

Calik

-----Original Message-----

**From:** Jagessar, Kara (Contractor)  
**Sent:** Monday, June 19, 2006 1:44 PM  
**To:** Jabarei, Calik; Hamsher, Susan (Contractor)  
**Cc:** Shin, Kevin (Contractor); Bu-cri-mark (E-mail)  
**Subject:** RE: I WAS OUT SICK FOLKS...FW: Changes to FOIA Page

Calik,

I must have accidentally overlooked and deleted Stephanie's original email. This is something I can do now. I will get on it immediately and let you know once it's been updated on ed.gov. Thanks

Kara

-----Original Message-----

**From:** Jabarei, Calik  
**Sent:** Monday, June 19, 2006 1:31 PM  
**To:** Jagessar, Kara (Contractor); Hamsher, Susan (Contractor)  
**Cc:** Shin, Kevin (Contractor); Bu-cri-mark (E-mail); Jabarei, Calik  
**Subject:** I WAS OUT SICK FOLKS...FW: Changes to FOIA Page  
**Importance:** High

What do you know about this Kara?

I have no report on the outcome from You or Susan...

Communicate Please...Cj

-----Original Message-----

**From:** Eiden, Lee  
**Sent:** Thursday, June 15, 2006 11:53 AM  
**To:** Jabarei, Calik  
**Cc:** Aten, Nina  
**Subject:** FW: Changes to FOIA Page  
**Importance:** High

Calik,

Can you please assist us in expediting this request (see below). I understand that your contractor is short-handed; however, is there a way that you can secure support in having this posting completed. The Department was required by a Presidential Executive Order to post it's **"FOIA Plan"** on June 14th concurrent with the transmittal to OMB and the Department of Justice.

We appreciate your help and if you have any questions, please contact me. Thanks.

Lee

## Lee Eiden

Acting Director  
Regulatory Information Management Services  
Office of Management  
U.S. Department of Education  
Room 9149 - Potomac Center Plaza  
550 12th Street, SW, Washington, DC 20202  
Telephone: 202.245.6454  
Fax: 202.245.6623

-----Original Message-----

**From:** Valentine, Stephanie  
**Sent:** Tuesday, June 13, 2006 11:52 AM  
**To:** Jagessar, Kara (Contractor)  
**Subject:** Changes to FOIA Page  
**Importance:** High

We need to post the department's FOIA Plan on the website by June 14. A PDF version of the file is attached to this note. We would like to post the plan in the More Resources section of the website at this link:  
<http://www.ed.gov/policy/gen/leg/foia/foiatoc.html>

If it is not feasible to add the document there, we would like to add some additional language and post the document in Word and PDF before the "Making a Request" section of the same page. I will forward another e-mail with that language.

See below:

On the Main FOIA page, between the section "ABOUT FOIA" and "Making Requests" -- the following section should be inserted:

### FOIA Plan

On December 14, 2005, the President issued Executive Order 13392, "Improving Agency Disclosure of Information." In the Order, the President directed each agency to conduct a review of its FOIA operations and prepare a plan for improving them. This plan includes concrete milestones with specific timetables and outcomes to be achieved by the Department of Education in FY 2006 and FY 2007. As required in the Order, it is posted below:

- ED FOIA Plan (Word)
- ED FOIA Plan (PDF)

If you have any questions, please let me know.

Stephanie Valentine  
245-6610

<< File: edfoioplan.doc >> << File: edfoioplan.pdf >>

From: Eiden, Lee  
Sent: Tuesday, June 13, 2006 12:31 PM  
To: Valentine, Stephanie  
Subject: RE: Language for ED's FOIA Plan  
Importance: High

On the Main FOIA page, between the section "ABOUT FOIA" and "Making Requests" -- the following section should be inserted:

#### FOIA Plan

On December 14, 2005, the President issued Executive Order 13392, "Improving Agency Disclosure of Information." In the Order, the President directed each agency to conduct a review of its FOIA operations and prepare a plan for improving them. This plan includes concrete milestones with specific timetables and outcomes to be achieved by the Department of Education in FY 2006 and FY 2007. As required in the Order, it is posted below:

-----Original Message-----

From: Valentine, Stephanie  
Sent: Tuesday, June 13, 2006 11:52 AM  
To: Eiden, Lee  
Subject: Language for ED's FOIA Plan

Please provide the language for the FOIA Plan documents.

Thanks,  
Stephanie

From: Eiden, Lee

Sent: Monday, June 12, 2006 11:10 AM

To: Arrington, Angela; Axt, Kathy; Carey, Sheila; Carpentier, Julian; Cueva, Maria-Teresa; Darby, Linda; Eiden, Lee; Hylar, James; Ingalls, Katrina; Jessup, Bennie; Mladina, Suzana; Novick, Dianne; Reese, Vivian; Roberts, Alexia; Rudolph, Kim; Schubart, Joe; Swafford, Christie; Washington, Tomakie; Wooley, Kitty

Cc: Bell, Keedah (Contractor); Carter, Jennifer (Contractor); El-Naggar, Jennifer (Contractor); Garrett, Patrice (Contractor); Karamchandani, Rohit (Contractor); Le, Quyen (Contractor); Madrid, Erica (Contractor); Mullan, Kate (Contractor); Patty Baird (Patricia W.) (E-mail); Saunders, Elizabeth (Contractor); Saunders, John (Contractor); Smith, Sherry (Contractor)

Subject: ED FOIA Plan (Transmittal to OMB & DOJ)

Folks,

Although, I provided several of you with a hard copy of this document, I also wanted to share the electronic version that was transmitted to OMB and the Department of Justice last Friday.

Just as it is a commitment to the OMB and DOJ, it is also a commitment by us (RIMS) to the Department.

Please read it. It is not very long and it does provide very specific improvements with measurements and timelines. Next year, we will once again be required to report on our progress. And, since this "Plan" is a cross-cutting issue, the "Policy and Standards" team will be responsible for orchestrating our reporting in concert with the the "Case Management" team.

Thanks to all of you, RIMS staff and contractors, who participated in the planning and preparation of this very successful document.

Lee

-----Original Message-----

Sent: Friday, June 09, 2006 2:23 PM

To: 'Pamela.A.Maida@usdoj.gov'; 'FOIAreporting@omb.eop.gov'

Subject: FOIA Plan for ED

Honorable Alberto R. Gonzales  
Attorney General  
Department of Justice

Honorable Rob Portman  
Director  
Office of Management and Budget

Dear Messrs. Gonzales and Portman:

As the Department of Education's (ED) Chief FOIA Officer, I am pleased to transmit to you our agency's FOIA Plan as required by Executive Order 13,392. This document conveys our review of ED's FOIA operations with specific improvements and concrete milestones for FY 2006 and FY 2007.

Concurrent with this transmittal, we are in the process of posting this report on the Department of Education's FOIA website.

If you have any questions, or wish additional information concerning any component comprising this report, please contact Leo Eiden of my staff (202) 245-6454.

Sincerely,

Michell Clark  
Assistant Secretary for Management and Acting Chief Information Officer

From: Eiden, Lee  
Sent: Friday, June 09, 2006 4:07 PM  
To: Valentine, Stephanie  
Cc: Arrington, Angela; Novick, Dianne; Mladina, Suzana  
Subject: FW: FOIA Plan for ED  
Importance: High

Stephanie,  
During our Tuesday (June 13) meeting on web name changes, I also want to be sure that we address the posting of this "FOIA Plan" on the FOIA website. I am not sure how others think about it; however, I think it would look good in the "Resources" box.  
I just want to be sure that it is posted as a "Word" and "pdf" file on June 14.  
Lee

-----Original Message-----

From: Aten, Nina  
Sent: Friday, June 09, 2006 2:23 PM  
To: 'Pamela.A.Maida@usdoj.gov'; 'FOIAreporting@omb.eop.gov'  
Cc: Eiden, Lee; Arrington, Angela; Kaplan, James; Clark, Michell; Anderson, Scott  
Subject: FOIA Plan for ED

Honorable Alberto R. Gonzales  
Attorney General  
Department of Justice

Honorable Rob Portman  
Director  
Office of Management and Budget

Dear Messrs. Gonzales and Portman:

As the Department of Education's (ED) Chief FOIA Officer, I am pleased to transmit to you our agency's FOIA Plan as required by Executive Order 13,392. This document conveys our review of ED's FOIA operations with specific improvements and concrete milestones for FY 2006 and FY 2007.

Concurrent with this transmittal, we are in the process of posting this report on the Department of Education's FOIA website.

If you have any questions, or wish additional information concerning any component comprising this report, please contact Leo Eiden of my staff (202) 245-6454.

Sincerely,

Michell Clark  
Assistant Secretary for Management and Acting Chief Information Officer

From: Eiden, Lee  
Sent: Friday, June 09, 2006 1:15 PM  
To: Aten, Nina  
Cc: Arrington, Angela  
Subject: ED FOIA Plan (Response to Executive Order 13392)  
Importance: High

Nina,

(b)(5)

Regulatory Information Management Services (RIMS) is particularly pleased with the expeditious clearance. Although, it has taken a number of people long hours and very focused attention, the end product positively reflects upon the Department's thoughtful and responsive efforts. In addition, it is ready for transmittal in advance of the June 14th due date.

Based upon guidance provided by OMB in the December 30, 2005 memo (M-06-04) "Implementation of the President's Executive Order 'Improving Agency Disclosure of Information'," this report should be electronically sent to OMB and DOJ. This same guidance was provided by the DOJ in the "FOIA Post" (see immediately below). I have included this specific information as it provides the email addresses for this purpose.

---

#### Conclusion

In sum, all federal agencies should pay careful attention to the requirements of Executive Order 13,392, as further explicated in this guidance, as they continue to conduct their FOIA reviews and prepare their improvement plans for submission by no later than June 14. (25)

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25See Exec. Order No. 13,392, Sec. 3(c)(i) (requiring submission "to the Attorney General and the OMB Director" by this date).

These submissions can be made to the Attorney General by electronic transmission to OIP at the following e-mail address: [Pamela.A.Maida@usdoj.gov](mailto:Pamela.A.Maida@usdoj.gov).

They can be made to the Director of OMB at [FOIAreporting@omb.eop.gov](mailto:FOIAreporting@omb.eop.gov).

---

Once the plan is formally transmitted, RIMS will post it on the ED FOIA website as specified in the Executive Order.

If you or the Assistant Secretary have any questions, please contact me.

Lee

Lee Eiden  
Acting Director  
Regulatory Information Management Services  
Office of Management  
U.S. Department of Education  
Room 9149 - Potomac Center Plaza  
550 12th Street, SW, Washington, DC 20202

Telephone: 202.245.6454  
Fax: 202.245.6623

---

Honorable Alberto R. Gonzales  
Attorney General  
Department of Justice

Honorable Rob Portman  
Director  
Office of Management and Budget

Dear Messrs. Gonzales and Portman:

As the Department of Education's (ED) Chief FOIA Officer, I am pleased to transmit to you our agency's FOIA Plan as required by Executive Order 13,392. This document conveys our review of ED's FOIA operations with specific improvements and concrete milestones for FY 2006 and FY 2007.

Concurrent with this transmittal, we are in the process of posting this report on the Department of Education's FOIA website.

If you have any questions, or wish additional information concerning any component comprising this report, please contact Leo Eiden of my staff (202) 245-6454.

Sincerely,

Michell Clark  
Assistant Secretary for Management  
and Acting Chief Information Officer

Attachment

From: Eiden, Lee  
Sent: Friday, June 09, 2006 12:02 PM  
To: Eitel, Robert S.; Goodridge, Marcella  
Cc: Aten, Nina; Arrington, Angela  
Subject: RE: ED FOIA Plan (FY 2006) - For Review

Thanks for your quick response. We shall move ahead with sending the document to the Assistant Secretary for his transmittal to OMB and DOJ.

(b)(6)

Lee

-----Original Message-----

From: Eitel, Robert S.  
Sent: Friday, June 09, 2006 11:59 AM  
To: Eiden, Lee; Goodridge, Marcella  
Cc: Aten, Nina; Arrington, Angela  
Subject: RE: ED FOIA Plan (FY 2006) - For Review

This is certainly legally sufficient. I do not have other changes.

-----Original Message-----

From: Eiden, Lee  
Sent: Friday, June 09, 2006 11:40 AM  
To: Eitel, Robert S.; Goodridge, Marcella  
Cc: Aten, Nina; Arrington, Angela  
Subject: RE: ED FOIA Plan (FY 2006) - For Review  
Importance: High

Bob and Marcella,

Just as in our earlier response, I will respond directly below each of Marcella's questions/comments. In addition, I have appended the revised document (with today's date) just below Marcella's note. If there are no remaining issues, we will forward the document to Nina for transmittal later this afternoon.

If you need anything else, please let me know.

Thanks again.

Lee

-----Original Message-----

From: Eitel, Robert S.  
Sent: Thursday, June 08, 2006 2:14 PM  
To: Eiden, Lee; Aten, Nina; Arrington, Angela  
Subject: FW: ED FOIA Plan (FY 2006) - For Review

Lee, Nina and Angela:

Here are Marcella Goodridge's comments on the FOIA Plan.

Bob

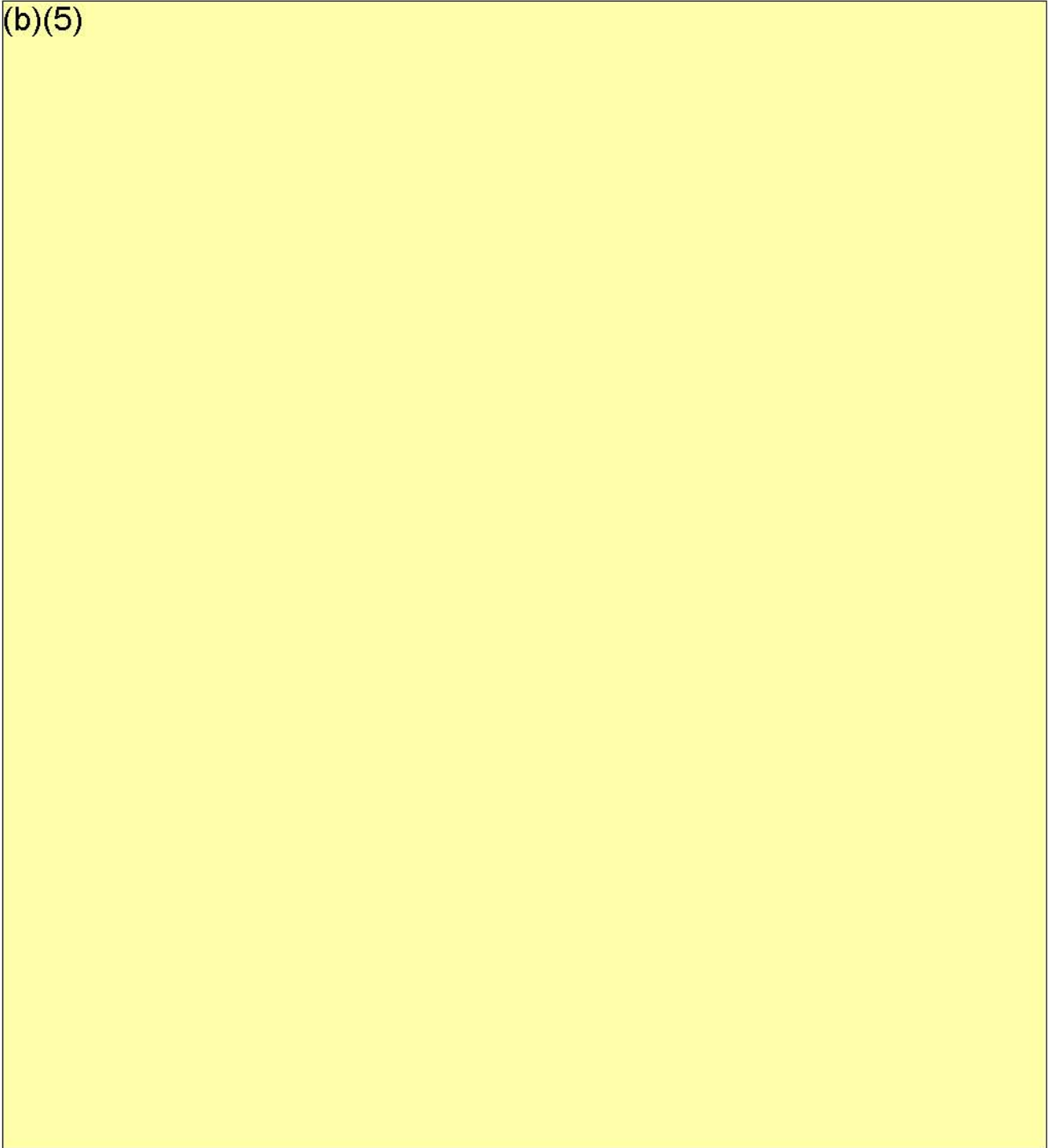
-----Original Message-----

From: Goodridge, Marcella  
Sent: Thursday, June 08, 2006 12:17 PM  
To: Eitel, Robert S.  
Subject: RE: ED FOIA Plan (FY 2006) - For Review

Hi Bob.

Here are my comments:

(b)(5)



(b)(5)

Let me know if you have any questions.

Marcella

<< File: ED FOIA PLAN (06.09.06).doc >>

-----Original Message-----

From: Eiden, Lee  
Sent: Wednesday, June 07, 2006 3:31 PM  
To: Aten, Nina  
Cc: Eitel, Robert S.; Arrington, Angela  
Subject: ED FOIA Plan (FY 2006) - For Review  
Importance: High

Nina,

RIMS has completed the Department's "FOIA Plan (FY 2006)." It is now ready for review and transmittal to OMB by June 14, 2006.

<< File: FOIA ANNUAL PLAN (06.07.06).doc >>

Per our earlier commitment, with this email, I am also separately sending a copy to Bob Eitel (OGC), who has offered to review the document. I understand that you will handle the transmittal to the Exec Sec.

It is helpful to provide some background information and furnish a more comprehensive explanation of the attachments.

The incoming request from OMB (former Director Bolton) was controlled by OS Exec Sec - number 06-007672. A copy of the entire document is in the attached pdf file

<< File: Control 06-007672.pdf >>

It is important to note that the initial "FOIA Post" template did not come from DOJ until April 27th and DOJ "Open House" which offered that agency's draft plan as guidance was provided that past Monday, June 5th. For your information, we have attached the DOJ draft plan. This will provide reviewers an opportunity to view DOJ's proposal.

<< File: DOJ FOIA Exec Order Plan.6-5-06.PDF >>

If you have any questions, please contact me.

Once reviewed and approved, we will provide you with the transmittal document to OMB from the Assistant Secretary.

Lee

Lee Eiden  
Acting Director  
Regulatory Information Management Services  
Office of Management  
U.S. Department of Education  
Room 9149 - Potomac Center Plaza  
550 12th Street, SW, Washington, DC 20202  
Telephone: 202.245.6454  
Fax: 202.245.6623

From: Carter, Jennifer (Contractor)  
Sent: Thursday, June 08, 2006 3:56 PM  
To: Eiden, Lee  
Subject: RE: ED FOIA Plan (FY 2006) - For Review

I am out of the office tomorrow so I didn't want to hold up the progress...As you requested Lee a ttached are my comments, I hope they are helpful...  
Jen

-----Original Message-----

From: Eiden, Lee  
Sent: Thursday, June 08, 2006 3:18 PM  
To: Carpentier, Julian; Carter, Jennifer (Contractor)  
Cc: Arrington, Angela; Novick, Dianne  
Subject: FW: ED FOIA Plan (FY 2006) - For Review

Julian and Jennifer,

Here are some additional comments from OGC (Marcella). I already spoke to Nina and Angela about these. We are going to wait until tomorrow to prepare our RIMS response; although, we do have to respond tomorrow as both Bob Eitel and Marcella will be out after tomorrow.

Why don't you each jot down some information to help in constructing a response and when Angela returns tomorrow, we can construct our RIMS response.

Thanks.

Lee

-----Original Message-----

From: Eitel, Robert S.  
Sent: Thursday, June 08, 2006 2:14 PM  
To: Eiden, Lee; Aten, Nina; Arrington, Angela  
Subject: FW: ED FOIA Plan (FY 2006) - For Review

Lee, Nina and Angela:

Here are Marcella Goodridge's comments on the FOIA Plan.

Bob

-----Original Message-----

From: Goodridge, Marcella  
Sent: Thursday, June 08, 2006 12:17 PM  
To: Eitel, Robert S.  
Subject: RE: ED FOIA Plan (FY 2006) - For Review

Hi Bob.

Here are my comments:

(b)(5)

(b)(5)

Let me know if you have any questions.

Marcella

-----Original Message-----

From: Eiden, Lee  
Sent: Wednesday, June 07, 2006 3:31 PM  
To: Aten, Nina  
Cc: Eitel, Robert S.; Arrington, Angela  
Subject: ED FOIA Plan (FY 2006) - For Review  
Importance: High

Nina,

RIMS has completed the Department's "FOIA Plan (FY 2006)." It is now ready for review and transmittal to OMB by June 14, 2006.

<< File: FOIA ANNUAL PLAN (06.07.06).doc >>

Per our earlier commitment, with this email, I am also separately sending a copy to Bob Eitel (OGC), who has offered to review the document. I understand that you will handle the transmittal to the Exec Sec.

It is helpful to provide some background information and furnish a more comprehensive explanation of the attachments.

The incoming request from OMB (former Director Bolten) was controlled by OS Exec Sec - number 06-007672. A copy of the entire document is in the attached pdf file

<< File: Control 06-007672.pdf >>

It is important to note that the initial "FOIA Post" template did not come from DOJ until April 27th and DOJ "Open House" which offered that agency's draft plan as guidance was provided that past Monday, June 5th. For your information, we have attached the DOJ draft plan. This will provide reviewers an opportunity to view DOJ's proposal.

<< File: DOJ FOIA Exec Order Plan.6-5-06.PDF >>

If you have any questions, please contact me.

Once reviewed and approved, we will provide you with the transmittal document to OMB from the Assistant Secretary.

Lee

Lee Eiden  
Acting Director  
Regulatory Information Management Services  
Office of Management  
U.S. Department of Education  
Room 9149 - Potomac Center Plaza  
550 12th Street, SW, Washington, DC 20202  
Telephone: 202.245.6454  
Fax: 202.245.6623

From: Mitchelson, Mary  
Sent: Thursday, June 08, 2006 2:56 PM  
To: Eiden, Lee; Aten, Nina  
Cc: Porter, Tara; Eason, Chaun; Shepherd, Shelley; Sorensen, Howard; Arrington, Angela  
Subject: RE: ED FOIA Plan (FY 2006) - For Review

Thank you very much. We appreciate your responsiveness.  
Mary

-----Original Message-----

From: Eiden, Lee  
Sent: Thursday, June 08, 2006 2:55 PM  
To: Mitchelson, Mary; Aten, Nina  
Cc: Porter, Tara; Eason, Chaun; Shepherd, Shelley; Sorensen, Howard; Arrington, Angela  
Subject: RE: ED FOIA Plan (FY 2006) - For Review

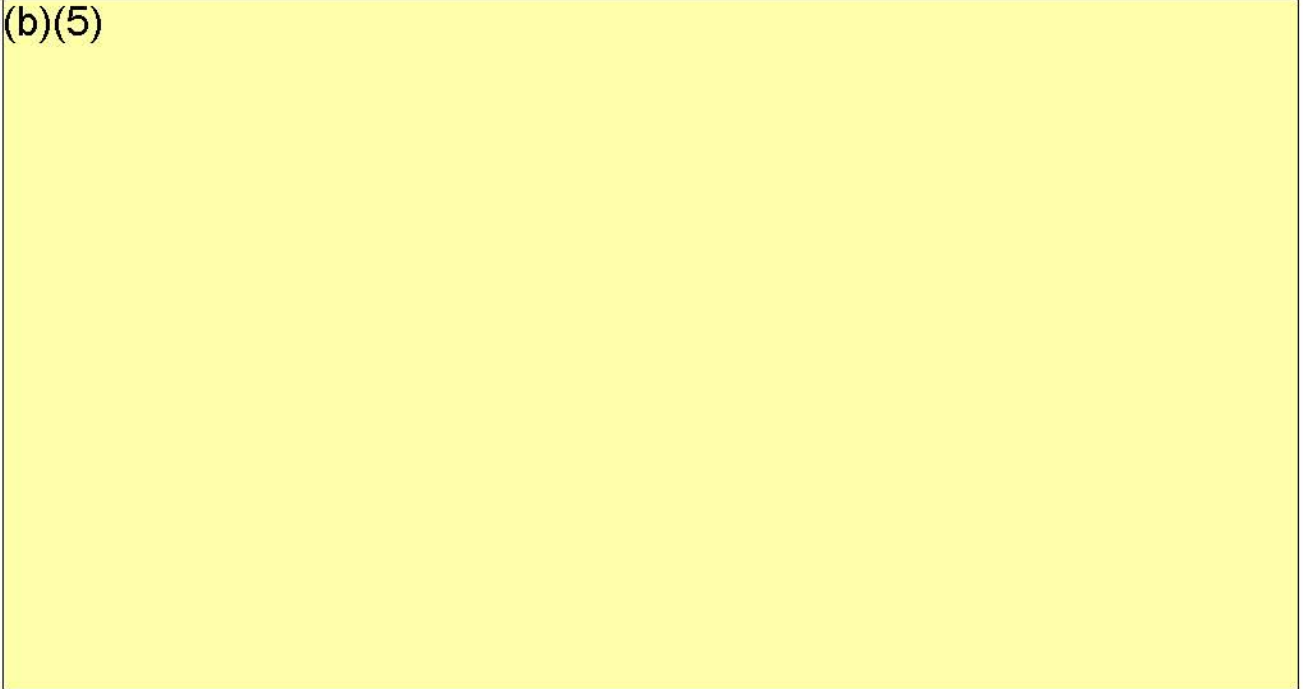
Mary and Nina,

We (RIMS) have made the following changes to the "ED FOIA Plan (FY 2006)" based upon the OIG comments/suggestions --

<< File: ED FOIA PLAN (06.08.06).doc >>

Here are specific responses:

(b)(5)



If you have any additional questions, please contact me.

Thanks.

Lee

Lee Eiden  
Acting Director  
Regulatory Information Management Services  
Office of Management  
U.S. Department of Education  
Room 9149 - Potomac Center Plaza  
550 12th Street, SW, Washington, DC 20202  
Telephone: 202.245.6454  
Fax: 202.245.6623

-----Original Message-----

From: Aten, Nina  
Sent: Thursday, June 08, 2006 1:44 PM  
To: Eiden, Lee  
Subject: FW: ED FOIA Plan (FY 2006) - For Review

FYI

---

From: Mitchelson, Mary  
Sent: Thursday, June 08, 2006 1:12 PM  
To: Aten, Nina  
Cc: Porter, Tara; Eason, Chaun; Shepherd, Shelley; Sorensen, Howard  
Subject: RE: ED FOIA Plan (FY 2006) - For Review

Nina,

Thanks for giving us a chance to review this. Here are our few comments:

(b)(5)

Please call me if you would like to discuss.

Thanks, Mary

Mary Mitchelson  
Counsel to the Inspector General  
Department of Education  
550 12th Street, S.W., Rm. 8093  
Washington, D.C. 20024  
202-245-6987  
mary.mitchelson@ed.gov <mailto:mary.mitchelson@ed.gov>

-----Original Message-----

From: Aten, Nina  
Sent: Wednesday, June 07, 2006 4:02 PM  
To: Mitchelson, Mary  
Cc: Eiden, Lee; Eitel, Robert S.; Fenwick, Beverly; Bryant, Annora; Porter, Tara  
Subject: FW: ED FOIA Plan (FY 2006) - For Review  
Importance: High

Mary,

Per your request to Exec Sec, please see the attached draft FOIA plan. We would like to be able to submit to OMB by the end of this week, if possible. How much time does OIG need to provide comments? Thanks.

Nina

---

From: Eiden, Lee  
Sent: Wednesday, June 07, 2006 3:31 PM  
To: Aten, Nina  
Cc: Eitel, Robert S.; Arrington, Angela  
Subject: ED FOIA Plan (FY 2006) - For Review  
Importance: High

Nina,

RIMS has completed the Department's "FOIA Plan (FY 2006)." It is now ready for review and transmittal to OMB by June 14, 2006.

<< File: FOIA ANNUAL PLAN (06.07.06).doc >>

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<< File: DOJ FOIA Exec Order Plan.6-5-06.PDF >>

If you have any questions, please contact me.

Once reviewed and approved, we will provide you with the transmittal document to OMB from the Assistant Secretary.

Lee

Lee Eiden  
Acting Director  
Regulatory Information Management Services  
Office of Management  
U.S. Department of Education  
Room 9149 - Potomac Center Plaza  
550 12th Street, SW, Washington, DC 20202  
Telephone: 202.245.6454  
Fax: 202.245.6623

From: Eitel, Robert S.  
Sent: Thursday, June 08, 2006 2:19 PM  
To: Aten, Nina; Eiden, Lee; Arrington, Angela  
Subject: RE: ED FOIA Plan (FY 2006) - For Review

That should be it.

-----Original Message-----

From: Aten, Nina  
Sent: Thursday, June 08, 2006 2:18 PM  
To: Eitel, Robert S.; Eiden, Lee; Arrington, Angela  
Subject: RE: ED FOIA Plan (FY 2006) - For Review

Bob,

Are Marcella's comments the final OGC comments or should we expect more? Thanks.

Nina

---

From: Eitel, Robert S.  
Sent: Thursday, June 08, 2006 2:14 PM  
To: Eiden, Lee; Aten, Nina; Arrington, Angela  
Subject: FW: ED FOIA Plan (FY 2006) - For Review

Lee, Nina and Angela:

Here are Marcella Goodridge's comments on the FOIA Plan.

Bob

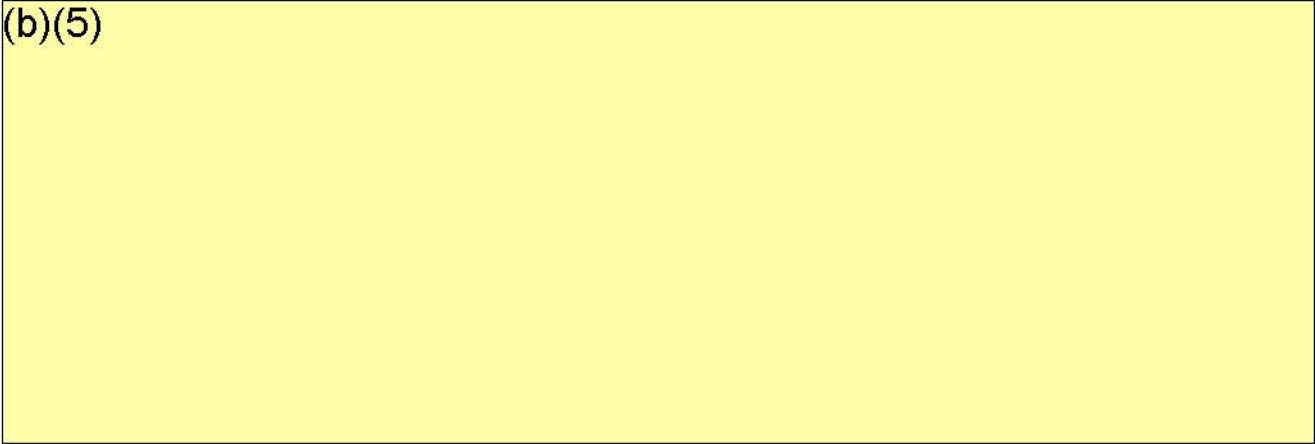
-----Original Message-----

From: Goodridge, Marcella  
Sent: Thursday, June 08, 2006 12:17 PM  
To: Eitel, Robert S.  
Subject: RE: ED FOIA Plan (FY 2006) - For Review

Hi Bob.

Here are my comments:

(b)(5)



(b)(5)

Let me know if you have any questions.

Marcella

-----Original Message-----

From: Eiden, Lee  
Sent: Wednesday, June 07, 2006 3:31 PM  
To: Aten, Nina  
Cc: Eitel, Robert S.; Arrington, Angela  
Subject: ED FOIA Plan (FY 2006) - For Review  
Importance: High

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U.S. Department of Education  
Room 9149 - Potomac Center Plaza  
550 12th Street, SW, Washington, DC 20202

Telephone: 202.245.6454  
Fax: 202.245.6623

-----Original Message-----

From: Aten, Nina  
Sent: Thursday, June 08, 2006 1:44 PM  
To: Eiden, Lee  
Subject: FW: ED FOIA Plan (FY 2006) - For Review

FYI

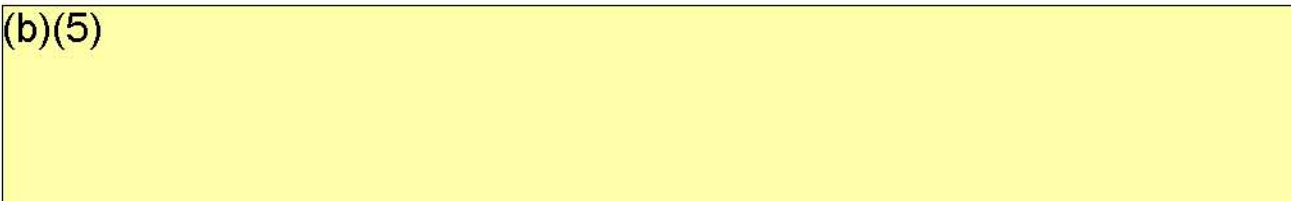
---

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Sent: Thursday, June 08, 2006 1:12 PM  
To: Aten, Nina  
Cc: Porter, Tara; Eason, Chaun; Shepherd, Shelley; Sorensen, Howard  
Subject: RE: ED FOIA Plan (FY 2006) - For Review

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Mary Mitchelson  
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Importance: High

Mary,

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Nina

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Cc: Eitel, Robert S.; Arrington, Angela  
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Importance: High

Nina,

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Once reviewed and approved, we will provide you with the transmittal document to OMB from the Assistant Secretary.

Lee

Lee Eiden  
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Telephone: 202.245.6454  
Fax: 202.245.6623

From: Eiden, Lee  
Sent: Thursday, June 08, 2006 1:36 PM  
To: Eitel, Robert S.  
Cc: Talbert, Kent; Wexler, Rob; Aten, Nina; Arrington, Angela  
Subject: RE: ED FOIA Plan (FY 2006) - For Review  
Importance: High

Bob,

Thanks so much for the incredibly rapid turnaround. I just got out of an all morning OM Strategic Planning session, so this is the first moment that I have to respond. For ease, I will respond directly below each of your questions/comments.

If you need anything else, please let me know.

Thanks again.

Lee

-----Original Message-----

From: Eitel, Robert S.  
Sent: Thursday, June 08, 2006 10:22 AM  
To: Eiden, Lee; Aten, Nina; Arrington, Angela  
Cc: Talbert, Kent; Wexler, Rob  
Subject: RE: ED FOIA Plan (FY 2006) - For Review

Lee, Nina, and Angela:

I have reviewed the FOIA Plan, and I have only a few questions or comments about it (b)(5)ly concern policy more than law).

First, in the first paragraph on page 1, the Plan refers to OCR and states that "this preview and implementation plan proposes to delegate responsive authority to each of 12 OCR Regional Directors." Given that Federal Student Aid has regional offices, is there any intention to do the same for FSA?

RESPONSE: At the moment, we do not anticipate delegating a similar authority to the FSA regional offices for the following reason -- it is OCR policy that individual requests are handled within each region. The likely rationale behind this policy is that about 30% of ED's FOIA requests come to the OCR regions. On the other hand, a far fewer number go to the FSA regions and those are more efficiently handled by FSA headquarters.

Second, in the last paragraph on page 6, the Plan indicates that ED will "identify records that are likely to be of news media interest so that they can be made available in advance of a request through public affairs channels." Is there any plan to post proactively any such records on the web? I would approach web posting of such controversial items with great caution.

RESPONSE: We totally concur. Our recommendation is to initiate conversations with the Office of Communications and Outreach (OCO) to solicit their guidance on how this could best work.

In another vein, I have not received any FOIA Monthly Reports or Appeal Reports for a couple of months. Does RIMS plan to continue with these? I think that they are valuable and certainly help me to monitor OGC's FOIA efforts. You also might want to reference this monthly reporting cycle in the Plan. I know that the monthly reporting is a valuable but time-consuming task. OM/RIMS ought to take credit for it.

RESPONSE: I was not aware that you had received them in the past and will personally make sure that you are on the RIMS distribution for both reports now and in the future.

Thanks for allowing OGC to review the Plan.

Bob

-----Original Message-----

From: Eiden, Lee  
Sent: Wednesday, June 07, 2006 3:31 PM  
To: Aten, Nina  
Cc: Eitel, Robert S.; Arrington, Angela  
Subject: ED FOIA Plan (FY 2006) - For Review  
Importance: High

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Lee

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U.S. Department of Education  
Room 9149 - Potomac Center Plaza  
550 12th Street, SW, Washington, DC 20202  
Telephone: 202.245.6454  
Fax: 202.245.6623

From: Eiden, Lee  
Sent: Monday, October 01, 2007 11:16 AM  
To: Kendrick, Tony (Contractor)  
Subject: FW: ED FOIA Plan (FY 2006) - For Review

From: Eiden, Lee  
Sent: Wednesday, June 07, 2006 4:18 PM  
To: Arrington, Angela; Novick, Dianne  
Cc: Carpentier, Julian  
Subject: FW: FOIA Review and Implementation Plan (Status)

Just to sum up, it appears that we will receive OGC and OIG's comments tomorrow.  
Lee

-----Original Message-----

From: Eitel, Robert S.  
Sent: Wednesday, June 07, 2006 4:08 PM  
To: Eiden, Lee  
Cc: Clark, Michell; Aten, Nina  
Subject: RE: FOIA Review and Implementation Plan (Status)

Thanks. I will get OGC's comments to you tomorrow.

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Sent: Wednesday, June 07, 2006 3:31 PM  
To: Eitel, Robert S.  
Cc: Clark, Michell; Aten, Nina  
Subject: RE: FOIA Review and Implementation Plan (Status)  
Importance: High

Bob,  
Just sent it you -- via an email to Nina

-----Original Message-----

From: Eitel, Robert S.  
Sent: Wednesday, June 07, 2006 2:18 PM  
To: Eiden, Lee  
Cc: Clark, Michell; Aten, Nina  
Subject: RE: FOIA Review and Implementation Plan (Status)

Lee:

Is this ready for my review? I just need to get to it as I am out of town next week.

-----Original Message-----

From: Eiden, Lee  
Sent: Friday, June 02, 2006 3:50 PM  
To: Eitel, Robert S.  
Cc: Clark, Michell; Aten, Nina  
Subject: FOIA Review and Implementation Plan (Status)

Bob,

I wanted to update you with our progress on the "FOIA Review and Implementation Plan" for DOJ.

RIMS is completing our final re-writes, editorial reviews, and verification of content/structure with "FOIA Post" (DOJ) instructions. We will forward it to you for review by noon on June 7th (Wednesday). We will concurrently forward it to Exec Sec to address the "controlled" status of this request.

Thought an update would be helpful to you.

If you have any questions, please contact me.

Lee

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Subject: FW: ED FOIA Plan (FY 2006) - For Review

Folks,  
I wanted to share this with you, so you know what is going on.  
Lee

-----Original Message-----

From: Mitchelson, Mary  
Sent: Wednesday, June 07, 2006 4:06 PM  
To: Aten, Nina  
Cc: Eiden, Lee; Eitel, Robert S.; Fenwick, Beverly; Bryant, Annora; Porter, Tara  
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Subject: RE: FOIA Review and Implementation Plan (Status)

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Cc: Clark, Michell; Aten, Nina  
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Telephone: 202.245.6454  
Fax: 202.245.6623

Date: April 18, 2006

**ROUTING AND TRANSMITTAL SLIP**

TO: Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. Angela Arrington		
2. Keith Berger		
3. Michell Clark		
4.		
5.		

	Action		File		Note and Return
	Approval		For Clearance		Per Conversation
	As requested		For Correction		Prepare Reply
	Circulate		For Your Information		See Me
	Comment		Investigate		Signature
	Coordination		Justify		

Remarks:

Action Required By: May 23, 2006

*Subject: Forwards a Memorandum, "Follow-Up Memorandum on Implementation of the President's Executive Order "Improving Agency Disclosure of Information (Response requested by June 14, 2006)"*

OM Control Number: 4207

Exec Sec Control #: 06-007672

**DO NOT** use this form as a **RECORD** of approvals, concurrences, disposals, clearances,  
And similar actions

<b>FROM:</b> (Name, org, symbol, Agency/Post)	<u>Room No.-Bldg.</u> 2W219
<b>Beverly L. Fenwick</b>	<u>Phone No.</u> 401-9551

**Office of the Secretary**  
**U.S. Department of Education**  
**Control Document**

**Control #: 06-007672**

**Due Date: 05/24/2006**

**Document Type: Office of the Secretary Key  
Correspondence**

**Signature: Senior Officer's signature**

**Event Date:**

**Writer:**

Joshua B. Bolten

Director

Office of Management and Budget

Washington DC 20503

**Subject:** FORWARDS A MEMORANDUM, "FOLLOW-UP MEMORANDUM ON IMPLEMENTATION OF THE PRESIDENT'S EXECUTIVE ORDER IMPROVING AGENCY DISCLOSURE OF INFORMATION (RESPONSE REQUESTED BY JUNE 14, 2006)

**Notes:** FYI to Ray Simon, David Dunn, Robin Gilchrist, Angela Landers, OGC, ES-AB



OM	Direct Reply/Senior Officer's Signature	04/17/2006	05/24/2006 6/8/2006		

**Related Control Numbers: 06-000511**  
**OBO:**

Om Control  
**received**  
4/18/06  
b6

From: Arrington, Angela  
Sent: Tuesday, June 06, 2006 11:31 AM  
To: Novick, Dianne  
Cc: Eiden, Lee  
Subject: Areas Selected for Review  
Importance: High

Dianne,

I have narrowed the list of areas selected for review to 8. They are:

1. Affirmative Disclosure under subsection (a)(2)
2. Proactive Disclosure of information
3. Overall Web site improvement
4. Automated processing – Electronic FOIA
5. Multi-track processing
6. Backlog reduction/elimination
7. Improvement ideas from field office personnel
8. Additional training needed

Angela Arrington  
Department Of Education - OM  
550 12th St. SW - Room 9156  
Washington, DC 20004  
work (202) 245-6409

From: Eiden, Lee  
Sent: Friday, June 02, 2006 4:53 PM  
To: Eitel, Robert S.  
Cc: Clark, Michell; Aten, Nina  
Subject: RE: FOIA Review and Implementation Plan (Status)

Bob,  
Thanks much. We appreciate your willingness to help and your expertise.  
Lee

-----Original Message-----

From: Eitel, Robert S.  
Sent: Friday, June 02, 2006 4:51 PM  
To: Eiden, Lee  
Cc: Clark, Michell; Aten, Nina  
Subject: RE: FOIA Review and Implementation Plan (Status)

Thanks, Lee. I'll look forward to it and turn around any comments by the time I leave for leave cob on June 9.

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Thought an update would be helpful to you.

If you have any questions, please contact me.

Lee

Lee Eiden  
Acting Director  
Regulatory Information Management Services  
Office of Management  
U.S. Department of Education  
Room 9149 - Potomac Center Plaza  
550 12th Street, SW, Washington, DC 20202  
Telephone: 202.245.6454  
Fax: 202.245.6623

From: Eiden, Lee  
Sent: Friday, June 02, 2006 3:50 PM  
To: Eitel, Robert S.  
Cc: Clark, Michell; Aten, Nina  
Subject: FOIA Review and Implementation Plan (Status)

Bob,

I wanted to update you with our progress on the "FOIA Review and Implementation Plan" for DOJ.

RIMS is completing our final re-writes, editorial reviews, and verification of content/structure with "FOIA Post" (DOJ) instructions. We will forward it to you for review by noon on June 7th (Wednesday). We will concurrently forward it to Exec Sec to address the "controlled" status of this request.

Thought an update would be helpful to you.

If you have any questions, please contact me.

Lee

Lee Eiden  
Acting Director  
Regulatory Information Management Services  
Office of Management  
U.S. Department of Education  
Room 9149 - Potomac Center Plaza  
550 12th Street, SW, Washington, DC 20202  
Telephone: 202.245.6454  
Fax: 202.245.6623

## Nonresponsive

**From:** El-Naggar, Jennifer (Contractor)

**Sent:** Friday, June 02, 2006 8:12 AM

**To:** Arrington, Angela

**Cc:** Eiden, Lee; Carter, Jennifer (Contractor); Carpentier, Julian; (b)(6)

**Subject:** EO response support

Angela,

I know we are down to the wire with the final drafting of the EO response. I understand that you will be meeting at 9 this morning with the team to pull everyone's comments together and make the last series of changes.

Please consider calling (b)(6) when you have that meeting and having everyone email there track changes to her. If (b) can participate in the meeting, she can consolidate comments into a master document and then do a cursory technical edit. (b) and I spoke last night, and she thinks she will be able to get through a 30+ page document and have it ready at start of business on Monday.

I highly recommend her support. (b)(6)

attaching the version of the document that Jennifer pulled together last week to get more up-to-speed. you can go the FOIA area of the Department of Justice web site to find there guidance/template.)

Thank you,  
Jennifer

From: Carter, Jennifer (Contractor)  
Sent: Friday, May 26, 2006 3:35 PM  
To: Carpentier, Julian; El-Naggar, Jennifer (Contractor)  
Cc: Arrington, Angela; Eiden, Lee  
Subject: Friday COB deadline for EO response

Hello everyone:

Attached is the cross-cut copy of the EO response due today COB. Please be advised that track changes are still visible and Julian will need to format, check milestones throughout document(Section G) and all changes made during my review.

Here is a breakdown of what I have done:

I reviewed and incorporated findings, recommendations and language from the following into this response:

- 1) FOIA In-House Consultants Recommendations
- 2) FOIA Executive Order Side-by-Side Comparison
- 3) FOIA E.O. Guidance from DoJ (January 2006)
- 4) ED FOIA E.O. Response to OMB (January 2006)
- 5) OM-RIMS 2006-2008 Strategic Plan
- 6) Response to DOJ in Annual Report 2005

I have filled in all the responses to areas that were missing stuff as directed below

By taking the language from all of these formal documents, I believe that the FOIA office is telling a story to everyone that is congruent. Everything in this response touches previous responses to DOJ, prior recommendations that can be improved upon still, and a forward thinking strategic plan.

Enjoy your reading...I went from 19 pages to 25 just today alone...

Forever FOIA ,  
Jen

-----Original Message-----

From: Carpentier, Julian  
Sent: Thursday, May 25, 2006 5:20 PM  
To: El-Naggar, Jennifer (Contractor); Carter, Jennifer (Contractor)  
Cc: Arrington, Angela  
Subject: First pass-off of Master Exec. Order Plan

El-Naggar/Carter:

Alright, time for the first pass-off. Attached is the updated Master version of the Exec. Order Plan. I incorporated language from all participating FOIA staff (including my sections), did some additional formatting, and made minor edits throughout the Plan. The following areas still need to be addressed:

- \* Areas Selected for Review (list) -- Required
- \* Results of Review (narrative) -- Required

Improvement Areas

- \* Automated tracking capabilities: statement, measurements
- \* Electronic FOIA - automated processing: milestones
- \* Electronic FOIA - receiving/responding to requests electronically: measurements
- \* Expedited processing: statement
- \* Forms of communication with requesters: statement, steps, milestones, measurements

- \* Process by which necessary cooperation is obtained from agency "program personnel": statement, steps, milestones, measurements
- \* Additional training needed: milestones, measurements
- \* In-house training on "safeguarding label"/FOIA exemption distinctions: steps, milestones, measurements
- \* Hiring of contract employees: statement, milestones, measurements

Areas to be considered

- \*
- \*
- \*

(b)(5)

If you guys aren't able to come up with anything for the above improvement areas and areas to be considered, just remove them from the Plan (per Angela). Keep in mind if you add additional milestones, they need to be reflected in Section G. (Improvement Area Time Periods) as well. The next pass-off will be to Lee for his review beginning on Tuesday.

<< File: DRAFT FOIA Improvement Plan.Master Copy.052506.doc >>

Julian B. Carpentier  
Management and Program Analyst  
U.S. Department of Education  
Office of Management  
550 12th St. SW  
Washington, DC 20202  
julian.carpentier@ed.gov

Nonresponsive  
Kendrick, Tony (Contractor)

**From:** Jessup, Bennie  
**Sent:** Thursday, May 25, 2006 4:32 PM  
**To:** Carpentier, Julian  
**Subject:** FW: CORRECTION: FOIA Exec. Order Improvement Plan

-----Original Message-----

**From:** Jessup, Bennie  
**Sent:** Wednesday, May 24, 2006 6:49 PM  
**To:** Carpentier, Julian  
**Cc:** Arrington, Angela  
**Subject:** FOIA Exec. Order Improvement Plan

**(b)(2), (b)(5)**  
**Acknowledgment letters.** It is important that acknowledgement letters are sent within 24-48 hours. This is done quickly in order that the FOIA requesters are aware of the status of their pending requests, both responsively and proactively. Acknowledgment letters are a vital tool that help communicate not only to the requestor but to the FOIA Service Representatives as well. FOIA Acknowledgements are promptly done to make clear to requesters what they can expect regarding their requests.

**Status Checks** are done electronically as a means of communication with requesters and the Principal office FOIA Coordinators. To monitor and follow-up on FOIA requests that are frequently handled on a daily basis. A major theme of communicating with FOIA requesters and to ascertain the status of responsive documents.

## Nonresponsive

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**From:** Carter, Jennifer (Contractor)  
**Sent:** Thursday, May 25, 2006 3:04 PM  
**To:** Mullan, Kate (Contractor)  
**Cc:** Carpentier, Julian  
**Subject:** RE: Executive order



EO 9.doc

-----Original Message-----

**From:** Mullan, Kate (Contractor)  
**Sent:** Wednesday, May 24, 2006 3:33 PM  
**To:** Carter, Jennifer (Contractor)  
**Subject:** RE: Executive order

<< File: EO 9.doc >>

Can you copy me when you forward to Julian?

Thank you,

Kate

-----Original Message-----

**From:** Carter, Jennifer (Contractor)  
**Sent:** Wednesday, May 24, 2006 1:29 PM  
**To:** Mullan, Kate (Contractor)  
**Subject:** Executive order

Hi Kate,

I have reviewed your write up. Can you take the bottom section and put that in a 3-4 sentence paragraph describing this offices efforts to QC data and stop the progression of errors. It would be as if you were giving a description to someone in 4 sentences or less..

Thanks,

Jen

Troubleshooting with any existing problems with existing request tracking:

(b)(2), (b)(5) The first step in the process of troubleshooting must be to establish a standardized, repeatable request tracking process. Each incoming FOIA request needs to be reviewed and a determination made as to whether or not it contains all of the required information. FOIAXpress, DoED's automated tracking system is very intuitive and user friendly with a logical system for entering information into a windows style outward facing GUI. Even with this step-by-step process in place, human error has continuously persisted during the initial login phase. A Quality Control (QC) program has been implemented to create a reliable and accountable data system.

Some examples of the Department of Education's QC components within the program are: error free spelling in first name, last name, and organization, correct title to each requestor, identify "key" word(s) in description and be consistent (link availability) is crucial, spelling error free in description, no abbreviation, and use capital letters with all pronouns (description field needs to be very specific with only the mainstream and the merit of a FOIA request without wondering off from the main point). Review of input information to check for an accurate and functional mailing address and telephone number for correspondence is imperative. In addition to the previously stated, a review of FOIAXpress for correct FOIA request category, action office, request type, received mode, select accurate priority, and fee charge agreement from the requestor are vital.

Nonresponsive  
Kendrick, Tony (Contractor)

**From:** Jessup, Bennie  
**Sent:** Wednesday, May 24, 2006 6:49 PM  
**To:** Carpentier, Julian  
**Cc:** Arrington, Angela  
**Subject:** FOIA Exec. Order Improvement Plan

**(b)(2), (b)(5)**  
**Acknowledgment letters.** It is important for acknowledgement letters to be done within 24-48 hours. This is done quickly in order that the FOIA requesters are aware of the status of their pending requests, both responsively and proactively. Acknowledgment letters are a vital tool that help communicate not only to the requestor but to the FOIA Service Representatives as well. FOIA Acknowledgements are promptly done to make clear to requesters what they can expect regarding their requests.

**Status Checks** are done electronically as a means of communication with requesters and the Principal office FOIA Coordinators. To monitor and follow-up on FOIA requests that are frequently handled on a daily basis. A major theme of communicating with FOIA requesters and to ascertain the status of responsive documents.

Nonresponsive  
Kendrick, Tony (Contractor)

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**From:** Darby, Linda

**Sent:** Wednesday, May 24, 2006 5:49 PM

**To:** Carpentier, Julian

The current state of Affairs:

Changes to personnel practices:

1. (b)(2), (b)(5) look at the grades of the government workers who are processing the FOIA cases, involve them in every aspect of FOIA and not ignore them.
2. Promote the two FOIA Officers to the next grade level to show that their experience and hardwork in processing the FOIA cases is recognized and to ensure that ED is in compliance with Executive Order 13,392; promoting them will enable ED to retain their expertise in the FOIA process.
3. Because there are only two government employees processing FOIA cases, two more government workers are needed to process FOIA cases as well.

From: Arrington, Angela  
Sent: Wednesday, May 24, 2006 4:40 PM  
To: Cueva, Maria-Teresa; Darby, Linda; Mullan, Kate (Contractor); Jessup, Bennie  
Cc: Carpentier, Julian; El-Naggar, Jennifer (Contractor); Eiden, Lee  
Subject: FW: FOIA Exec. Order Improvement Plan  
Importance: High

REMINDER: If you have not submitted your input to Julian, please do so by cob today!

Angela Arrington  
Department Of Education - OM  
550 12th St. SW - Room 9156  
Washington, DC 20004  
work (202) 245-6409

-----Original Message-----

From: Arrington, Angela  
Sent: Wednesday, May 24, 2006 8:16 AM  
To: Cueva, Maria-Teresa; Darby, Linda; Mullan, Kate (Contractor); Jessup, Bennie  
Cc: Carpentier, Julian; El-Naggar, Jennifer (Contractor); Eiden, Lee  
Subject: FOIA Exec. Order Improvement Plan  
Importance: High

FOIA Team: The FOIA Executive Order requires agencies to review their current FOIA operations and explain any areas for improvement. Continuing on our planning sessions, Julian needs your cooperation in providing input for the following improvement areas in order to complete his draft. I would like for each of you to draft a brief statement (approx. three sentences) summarizing our current state of affairs for the following improvement areas:

Maria: System of handling referrals (# 16)  
System of handling consultations (# 17)

Kate: Troubleshooting of any existing problems with existing request tracking (# 9)

Bennie: Acknowledgement letters (# 15)

Julian: Improvement ideas from field office personnel (# 19)  
Increased staffing (# 22)  
Purchase of new equipment needed (# 25)

Linda: Changes to personnel practices (#23)

Descriptions of the improvement areas can be found in the DoJ guidance (<http://www.usdoj.gov/oip/foiapost/2006foiapost6.htm>). Your assigned improvement areas are listed in Part 1 of the guidance.

Please send an e-mail to Julian with your assigned information by COB TODAY (May 24). If you have any questions, please see me or Julian. Thank you.

Angela Arrington  
Department Of Education - OM  
550 12th St. SW - Room 9156  
Washington, DC 20004  
work (202) 245-6409

(b)(2),(b)(5)

---

**From:** El-Naggar, Jennifer (Contractor)  
**Sent:** Wednesday, May 24, 2006 4:34 PM  
**To:** Carpentier, Julian  
**Cc:** Carter, Jennifer (Contractor)  
**Subject:** FW: more content for EO response

Julian, here is draft content for: 11, 12, 13, and 23. Please look at number 12 closely to see if the material you already have includes **time milestones** and **measurements for success** on **#12**. The other items are definitely new and ready for incorporation into your master.



ED FOIA EO  
response part2 0524.

## Nonresponsive

---

**From:** Carter, Jennifer (Contractor)  
**Sent:** Wednesday, May 24, 2006 3:41 PM  
**To:** Carpentier, Julian  
**Subject:** Just in case I can't send it tomorrow morning

I will send an updated version as soon as I can..start with this..



Affirmative



DRAFT FOIA

Disclosure under s...povement Plan.Ma

-----Original Message-----

**From:** Carpentier, Julian  
**Sent:** Tuesday, May 23, 2006 6:39 PM  
**To:** Carter, Jennifer (Contractor)  
**Cc:** El-Naggar, Jennifer (Contractor)  
**Subject:** Use this version

J.Carter:

Since I'm still here, I might as well send you the latest Master that includes the template revisions.  
JBC

<< File: DRAFT FOIA Improvement Plan.Master Copy.052306.doc >>

Julian B. Carpentier  
Management and Program Analyst  
U.S. Department of Education  
Office of Management  
550 12th St. SW  
Washington, DC 20202  
julian.carpentier@ed.gov

## Nonresponsive

**From:** Arrington, Angela  
**Sent:** Wednesday, May 24, 2006 8:16 AM  
**To:** Cueva, Maria-Teresa; Darby, Linda; Mullan, Kate (Contractor); Jessup, Bennie  
**Cc:** Carpentier, Julian; El-Naggar, Jennifer (Contractor); Eiden, Lee  
**Subject:** FOIA Exec. Order Improvement Plan  
**Importance:** High

**FOIA Team:** The FOIA Executive Order requires agencies to review their current FOIA operations and explain any areas for improvement. Continuing on our planning sessions, **Julian needs your cooperation in providing input for the following improvement areas in order to complete his draft. I would like for each of you to draft a brief statement (approx. three sentences) summarizing our current state of affairs for the following improvement areas:**

**Maria:** System of handling referrals (# 16)  
System of handling consultations (# 17)

**Kate:** Troubleshooting of any existing problems with existing request tracking (# 9)

**Bennie:** Acknowledgement letters (# 15)

**Julian:** Improvement ideas from field office personnel (# 19)  
Increased staffing (# 22)  
Purchase of new equipment needed (# 25)

**Linda:** Changes to personnel practices (#23)

Descriptions of the improvement areas can be found in the DoJ guidance (<http://www.usdoj.gov/oip/foiapost/2006foiapost6.htm>). Your assigned improvement areas are listed in Part 1 of the guidance.

**Please send an e-mail to Julian with your assigned information by COB TODAY (May 24).** If you have any questions, please see me or Julian. Thank you.

*Angela Arrington  
Department Of Education - OM  
550 12th St. SW - Room 9156  
Washington, DC 20004  
work (202) 245-6409*

## Nonresponsive

---

**From:** El-Naggar, Jennifer (Contractor)  
**Sent:** Tuesday, May 23, 2006 5:31 PM  
**To:** Carpentier, Julian; Carter, Jennifer (Contractor)  
**Subject:** version control on the EO response

I'm attaching my updated version with changes in blue. At this point, I will not write into any of these sections. I am giving Julian version control of this draft to put into his master template.

My understanding is that Julian will provide that template to Jennifer tonight, so that she can write into it before COB tomorrow. I will not see it again until Julian has incorporated everyone's content into the master and I will do a tech edit on Friday morning. The new sections I'm writing will come tomorrow, first to Jennifer and then to Julian, once she's written over them.

Sorry to be so particular about this but if we lose version control at this stage and have to rebuild the document from numerous drafts... we just don't want to do that.



ED FOIA EO  
:sponse 052306.doc.

## Nonresponsive

---

**From:** Jessup, Bennie  
**Sent:** Tuesday, May 23, 2006 3:26 PM  
**To:** Carpentier, Julian  
**Cc:** Arrington, Angela  
**Subject:** FOIA Executive Order Comment to Section IV

**WEB** - To make sure the most recent information is always available for reference for FOIA inquiries

**REFERENCES** - Updated references and reference list should be shared

**AUTOMATION of FOIA** - To be certain that all FOIA Coordinators are being trained and to address problems immediately.

**CASE MANAGEMENT** - Management of all cases should be accurate and follow-ups to make sure that all responsive documents are being documented and shared with FOIA Team

**COMMUNICATION** - Discussion on hot topics that will generate FOIA requests.

(b)(2). (b)(5)

To always be open and open minded to public inquiries and deliver on inquiries expediently, when possible, even, when knowing the responsive documents are not available and will not be available for a while.

**TRAINING** - More FOIA trainings when available. To make certain that all POC Coordinators are up-to-date on all possible trainings/updates and reviews.

**FOIA INFRASTRUCTURE** - Discussion of FOIA program changes, its components, implementation efforts. Goals, objectives and accomplishments.

From: Washington, Tomakie  
Sent: Tuesday, May 23, 2006 9:30 AM  
To: Berger, Keith; Fenwick, Beverly  
Cc: Eiden, Lee; Arrington, Angela  
Subject: RE: OM Control #4207 OS#06-007672 Exec Order

Thanks Keith, we're all on the same page including Michell whom Angela and Lee update on a daily basis regarding the implementation of this order. All is well...

-----Original Message-----

From: Berger, Keith  
Sent: Tuesday, May 23, 2006 9:24 AM  
To: Washington, Tomakie; Fenwick, Beverly  
Cc: Eiden, Lee; Arrington, Angela  
Subject: RE: OM Control #4207 OS#06-007672 Exec Order

Tomakie, While I see where you and the staff is coming from regarding the due dates. (b)(5)

Just food for thought for future clearances and due dates. Keith

-----Original Message-----

From: Washington, Tomakie  
Sent: Tuesday, May 23, 2006 8:35 AM  
To: Fenwick, Beverly  
Cc: Berger, Keith; Eiden, Lee; Arrington, Angela  
Subject: RE: OM Control #4207 OS#06-007672 Exec Order

Yes, I understand that it cannot be extended, Angela and Lee have spoken with the Exec Sec regarding the date of action. (b)(5)

-----Original Message-----

From: Fenwick, Beverly  
Sent: Tuesday, May 23, 2006 8:27 AM  
To: Washington, Tomakie  
Cc: Berger, Keith  
Subject: RE: OM Control #4207 OS#06-007672 Exec Order

Tomakie,

I understand this control is not due to DOJ until 6/14, but the due date still remains the same 5/24. This cannot be extended. Therefore, when we receive it on 6/8/06, it will put OM on the overdue list with the Exec Sec's office. I need it ASAP.

-----Original Message-----

From: Washington, Tomakie  
Sent: May 23, 2006 7:49 AM  
To: Fenwick, Beverly  
Cc: Arrington, Angela; Eiden, Lee  
Subject: OM Control #4207 OS#06-007672 Exec Order

Beverly,

Please note this control will be completed by 6/8/06. The action req. date is today, but it's not due to DOJ until 6/14/06. RIMS will provide a copy on completion for closure in the OS and OM control systems. Any questions, give me a shout. Thanks!

Tomakie Washington  
Department of Education  
OM-Regulatory and Information Management Services  
550 12th Street, SW-RM 9139  
Washington, DC 20024  
202.245.6491  
F) 245.6623

## Nonresponsive

---

**From:** El-Nagggar, Jennifer (Contractor)  
**Sent:** Tuesday, May 23, 2006 9:28 AM  
**To:** Carpentier, Julian; Carter, Jennifer (Contractor)  
**Subject:** EO response

Julian,

I'm attaching what I have so far, and think I can get through the rest this afternoon. I'll be in the office around 1 today. Please confirm if Angela agreed with the areas we selected for review and response.

Jennifer, please cut and paste anything you can from your original notes to answer in the attached format.

I haven't written anything yet for the following areas: 12, 13, 14, 18, 20, 21, 24, 26. So, I think I got about half way through it. There should be enough here to work with. We can all get together this afternoon and make sure we're on track for completing the entire response this week.

Thank you,  
Jennifer

FETAL, Co.

E-mail to ~~FOIA~~ tonight

~~June 12~~

5/22/06 Planning Meeting

Step: FOIA In-House

"Process centralized in some areas, not others → still reflects current situation

"Still has value

★ References

"Site consultants report; highlight good points

~~References~~

~~References~~

A SAIC ~~is~~ is in process of drafting training plan; part of deliverable

Summarize In-House, highlight good points; when going out, points

Review contract employees, addressed w/ process in morning, etc.,

and in contract

Mention

★ It's staff going field

Politeness

A metric → HITS

Maria

10 working days to apply

weekly

alerts of flag" → FX has alert feature; recommend in next version  
Quyen is checking on

- Process things we can do in the mean time → status field to include date regarding amendment

Patrice

Case Management — until Prescore 10-day indicator; need to check credit-history  
→ Christie full delinquent report periodically

Lee → "consistent w/ directive, additional FTEs will be ..."

★ Linda will elaborate on FOIA Public Liaison and determine how ~~that~~ it will improve our operations.

★ Liaison → update on website

Maria → # should match name; Lee → name & # should match

Maria  
Appeals → we give same address for denials; main office should handle appeals

notes: rks  
Politeness → change content into online

2. By end of calendar year

Step 1 → How do we get

Process  
(includes)

Jennifer will submit SOP → relates to FOIA procedures  
Maria

★ Lee → include C & C in FOIA Coord. meeting

Flagged → <sup>Triage</sup> people who don't pay bills

## Nonresponsive

---

**From:** El-Naggar, Jennifer (Contractor)  
**Sent:** Thursday, May 18, 2006 2:31 PM  
**To:** Carpentier, Julian  
**Subject:** RE: Exec. Order Docs

i'm taking a look now... see you tomorrow at 10

-----Original Message-----

**From:** Carpentier, Julian  
**Sent:** Thursday, May 18, 2006 2:21 PM  
**To:** El-Naggar, Jennifer (Contractor)  
**Cc:** Carter, Jennifer (Contractor); Arrington, Angela  
**Subject:** Exec. Order Docs

J. El-Naggar:

All the Exec. Order comments received to date have been incorporated into your one-pager from the meeting. I'm also attaching a draft template of our implementation plan. I thought it would make sense to merge the style of our annual reports with the template provided by DoJ (see page 8 - Part II: <http://www.usdoj.gov/oip/foiapost/2006foiapost6.htm>).

JBC

<< File: FOIA EO session 051106.Comments.JBC 5-18-06.doc >> << File: DRAFT FOIA Improvement Plan.doc >>

Julian B. Carpentier  
Management and Program Analyst  
U.S. Department of Education  
Office of Management  
550 12th St. SW  
Washington, DC 20202  
[julian.carpentier@ed.gov](mailto:julian.carpentier@ed.gov)

## Nonresponsive

**From:** Darby, Linda  
**Sent:** Wednesday, May 17, 2006 10:39 AM  
**To:** Carpentier, Julian; Arrington, Angela; Eiden, Lee  
**Subject:** FW: My One Idea for Case Management Improvement under EO

-----Original Message-----

**From:** Cueva, Maria-Teresa  
**Sent:** Wed 5/17/2006 10:32 AM  
**To:** Valentine, Stephanie  
**Cc:** Darby, Linda  
**Subject:** My One Idea for Case Management Improvement under EO

I was thinking how can we "Flag" cases that we responded to requestors asking them for clarification/additional information and given them certain date/days to reply: (b)(5)

-----Original Message-----

**From:** Valentine, Stephanie  
**Sent:** Tuesday, May 16, 2006 5:25 PM  
**To:** Cueva, Maria-Teresa; Darby, Linda  
**Subject:** My One Idea for Case Management Improvement under EO

For case-by-case problem identification, one idea would be (b)(5)

(b)(5)

---

**From:** Darby, Linda  
**Sent:** Wednesday, May 17, 2006 9:27 AM  
**To:** Carpentier, Julian; Arrington, Angela; Eiden, Lee  
**Subject:** FW: My One Idea for Case Management Improvement under EO

-----Original Message-----

**From:** Valentine, Stephanie  
**Sent:** Tue 5/16/2006 5:25 PM  
**To:** Cueva, Maria-Teresa; Darby, Linda  
**Cc:**  
**Subject:** My One Idea for Case Management Improvement under EO

For case-by-case problem identification, one idea would be (b)(5)

## Nonresponsive

---

**From:** Darby, Linda  
**Sent:** Wednesday, May 17, 2006 9:25 AM  
**To:** Carpentier, Julian; Arrington, Angela; Eiden, Lee  
**Subject:** FW: My Few Ideas on Training under EO

-----Original Message-----

**From:** Valentine, Stephanie  
**Sent:** Tue 5/16/2006 5:30 PM  
**To:** Darby, Linda  
**Cc:**  
**Subject:** My Few Ideas on Training under EO

Here are a few ideas I have for training:

1. (b)(5)
- 2.
- 3.
- 4.
- 5.

## Nonresponsive

**From:** Darby, Linda  
**Sent:** Wednesday, May 17, 2006 9:12 AM  
**To:** Carpentier, Julian; Arrington, Angela; Eiden, Lee  
**Subject:** FW: My One Idea for FOIA Infrastructure under EO

-----Original Message-----

**From:** Valentine, Stephanie  
**Sent:** Tue 5/16/2006 5:36 PM  
**To:** Darby, Linda  
**Cc:**  
**Subject:** My One Idea for FOIA Infrastructure under EO

My one idea has two sides to it - its more of a training issue more than anything else - but I think we could establish clear lines for transmitting what goes to who under certain circumstances. Here's an example - (b)(5)

## Nonresponsive

---

**From:** Darby, Linda  
**Sent:** Wednesday, May 17, 2006 9:10 AM  
**To:** Carpentier, Julian; Arrington, Angela; Eiden, Lee  
**Subject:** FW: Another Communication/Training Idea

-----Original Message-----

**From:** Valentine, Stephanie  
**Sent:** Tue 5/16/2006 5:51 PM  
**To:** Jessup, Bennie; Darby, Linda  
**Cc:**  
**Subject:** Another Communication/Training Idea

(b)(5)

## Nonresponsive

---

**From:** Valentine, Stephanie  
**Sent:** Tuesday, May 16, 2006 6:16 PM  
**To:** Carpentier, Julian  
**Cc:** Eiden, Lee; Arrington, Angela; El-Naggar, Jennifer (Contractor); Carter, Jennifer (Contractor)  
**Subject:** In-House Consultant Report Review

Attached is a review of the in-house consultants report for FOIA. I did get some input for this from Angela. I tried to address all issues covered in the document. (b)(5)

Stephanie



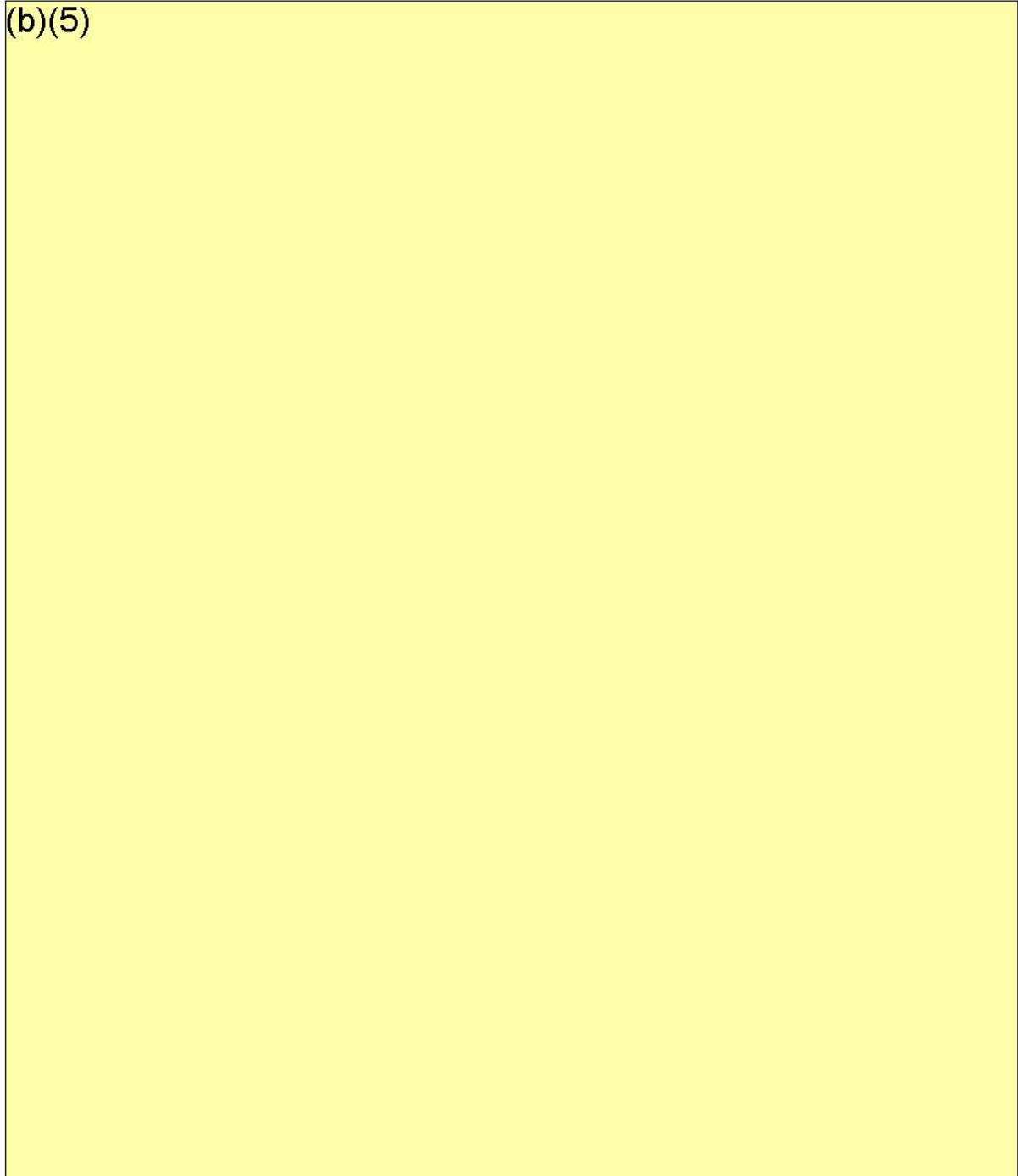
In-House Report  
Review.doc

## Review of Recommendations for FOIA Improvement from In-house Consultants

I have reviewed with additional feedback from Angela the recommendations from the In-house Consultants on FOIA. My findings are below:

Please note that the numbers that have been included in the report reflect a point in time and do not necessarily related to functions and processes as they are now. Please also note that due to changes in reporting requirements for the FOIA Annual Report as recent as FY 05, side-by-side comparisons for the statistics presented on pages 18 and 19 of the report could be derived but have not been provided in this analysis.

(b)(5)

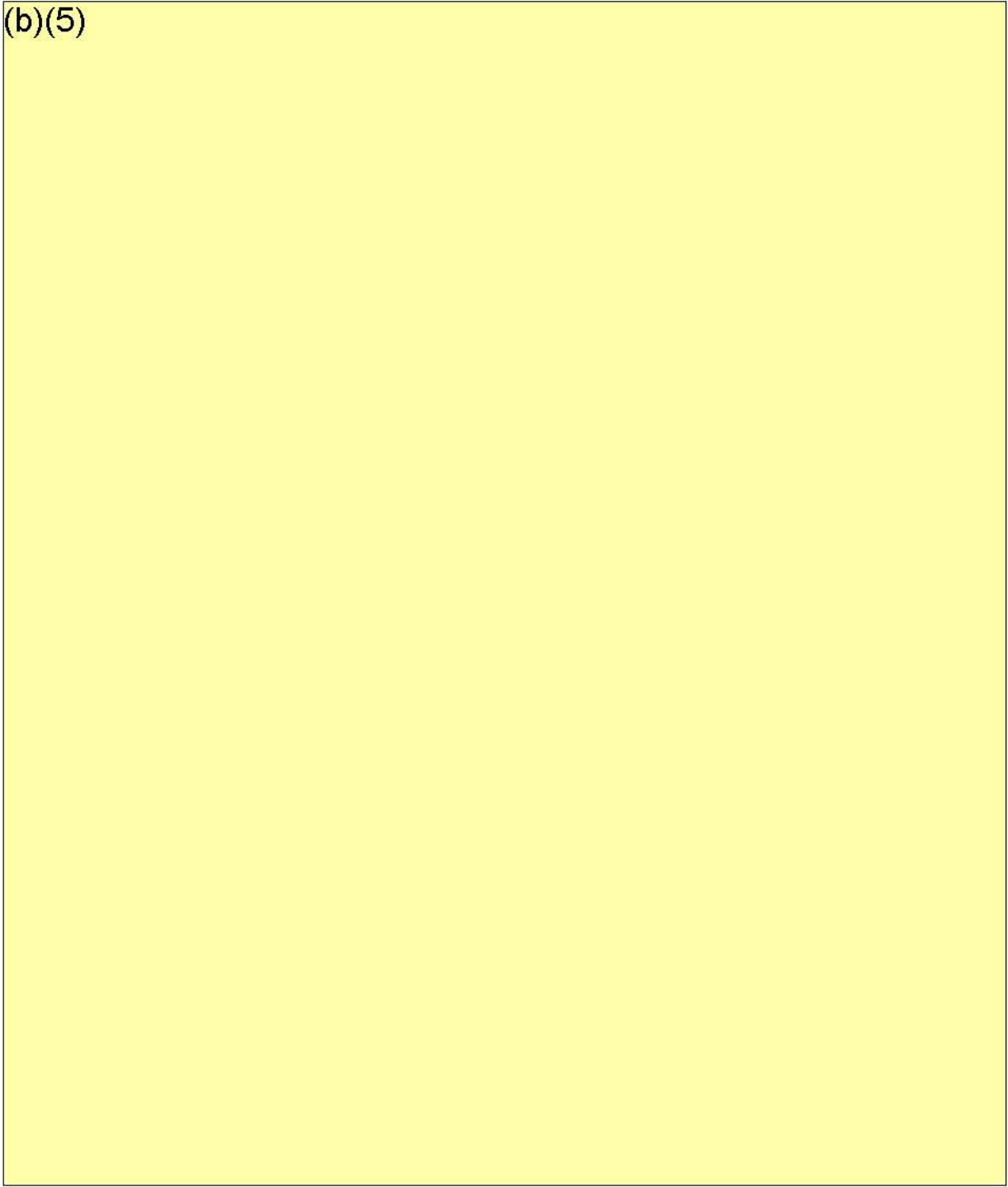


(b)(5)

agency

(b)(5)

(b)(5)



From: Eiden, Lee  
Sent: Monday, May 15, 2006 11:50 AM  
To: Eitel, Robert S.  
Cc: Clark, Michell  
Subject: RE: FOIA Plan, Part 2

Bob,

I do not wish to preempt Michell's response; however, RIMS is already drafting the agency's FOIA Implementation Plan. Our current schedule is to complete our draft by the end of this month. (b)(5)

Lee

-----Original Message-----

From: Eitel, Robert S.  
Sent: Monday, May 15, 2006 11:33 AM  
To: Clark, Michell  
Cc: Eiden, Lee  
Subject: FOIA Plan, Part 2

(b)(6)

May I have a draft of the report early during the prior week (the week of June 5-9)?

Thanks.

-----Original Message-----

From: Eitel, Robert S.  
Sent: Monday, May 15, 2006 11:15 AM  
To: Clark, Michell  
Cc: Eiden, Lee  
Subject: FOIA Plan

Michell:

As you will recall, the President's recent Executive Order concerning FOIA requires all federal agencies to file a report with DOJ and OMB by no later than June 14, 2006, setting forth the agency's plan for FOIA compliance and other matters. OGC is ready to assist OM in this effort, and to that end, I briefly chatted with Jeanne about reviewing the plan prior to her departure. I assume that Lee as Acting RIMS Director will take on the responsibility of preparing and submitting the report. Please tell me how I can help.

Thanks.

Bob

Robert S. Eitel  
Office of the General Counsel  
U.S. Department of Education  
400 Maryland Avenue, S.W.

# FOIA "to be" PROCESS ROLES & RESPONSIBILITIES

ENTITY	ROLES/ RESPONSIBILITIES	DELIVERABLES
Office of the Chief Information Officer (OCIO)	(b)(2),(b)(5)	
OCIO		
OCIO		
Office of the General Counsel (OGC)		
Office of Public Affairs (OPA)		
Office of the Secretary / Exec Sec		

**FOIA “to be” PROCESS  
ROLES & RESPONSIBILITIES**

ROLES/ RESPONSIBILITIES		DELIVERABLES
Headquarter's POs (without Denial Authority)	(b)(2),(b)(5)	
Regions and OIG (with Denial Authority)		

From: Eiden, Lee  
Sent: Friday, May 12, 2006 4:50 PM  
To: Carpentier, Julian  
Cc: Arrington, Angela; Novick, Dianne  
Subject: FOIA Implementation Report

Julian,

Here are the "To-Be" FOIA Roles and Responsibilities from the In-House Consultant activity.

Also, based upon Tomakie's note -- I think that we need to clarify if this is going to be signed by the Secretary or our OM Assistant Secretary AND should you start writing sooner than later. If so, we should plan on getting you some clear time now.

Lee Eiden  
Acting Director  
Regulatory Information Management Services  
Office of Management  
U.S. Department of Education  
Room 9149 - Potomac Center Plaza  
550 12th Street, SW, Washington, DC 20202  
Telephone: 202.245.6454  
Fax: 202.245.6623

From: Washington, Tomakie  
Sent: Friday, May 12, 2006 12:18 PM  
To: Fenwick, Beverly  
Cc: Arrington, Angela; Eiden, Lee; Carpentier, Julian  
Subject: OM Control #4207 OS #06-007672 EO Disclosure

Beverly, please note this control needs an extended date of June 8, 2006 not 5/24/06. The disclosure is due to OMB on 6/14/06, RIMS will complete the report by 6/8/06 and give a copy of the OMB submission to you for closure in OS. If I need to notify the Exec Sec myself please let me know. Thanks!

Tomakie Washington  
Department of Education  
OM-Regulatory and Information Management Services  
550 12th Street, SW-RM 9139  
Washington, DC 20024  
202.245.6491  
F) 245.6623

From: El-Naggar, Jennifer (Contractor)  
Sent: Thursday, May 11, 2006 2:50 PM  
To: Carter, Jennifer (Contractor); Le, Quyen (Contractor); Jessup, Bennie; Arrington, Angela; Bell, Keedah (Contractor); Cueva, Maria-Teresa; Valentine, Stephanie; Darby, Linda; Eiden, Lee; Carpentier, Julian  
Subject: FOIA EO Session notes

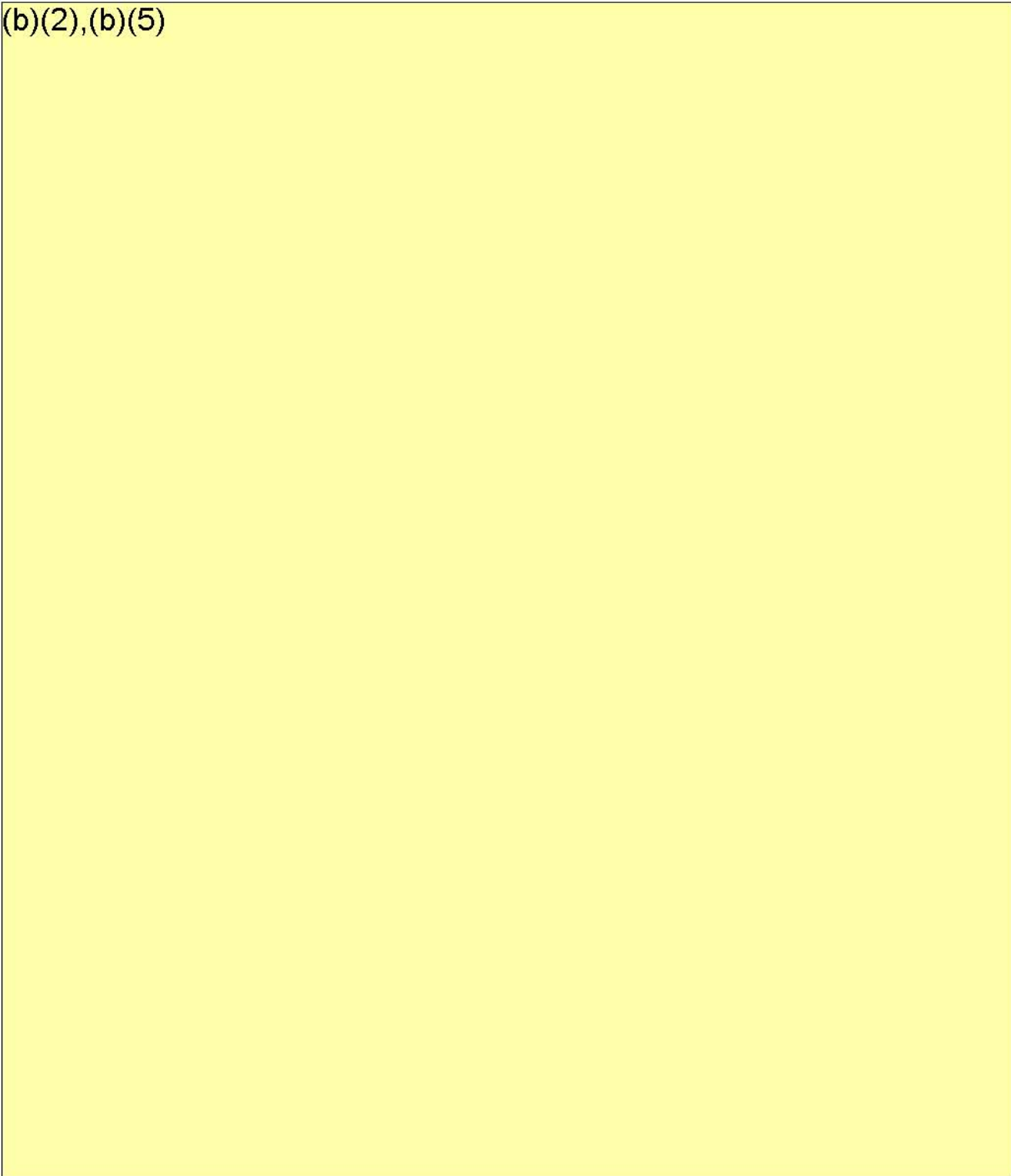
**FOIA Executive Order RIMS Team Consensus Meeting**  
**May 11, 2006**

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**Participants:** Quyen Le; Bennie Jessup; Angela Arrington; Keedah Bell; Wynsome Black; Maria Cueva; Stephanie Valentine; Linda Darby; Le Eiden; Julian Carpentier; Kate Mullan; Jennifer Carter; Jennifer El-Naggar

**Topic:** ED RIMS response to Presidential FOIA Executive Order, to be delivered to DOJ June 14, 2006 (to be delivered to Michel Clark June 7, 2006)

(b)(2),(b)(5)



From: Carter, Jennifer (Contractor)  
Sent: Thursday, May 11, 2006 1:54 PM  
To: Le, Quyen (Contractor); Jessup, Bennie; Arrington, Angela; Bell, Keedah (Contractor); Cueva, Maria-Teresa; Valentine, Stephanie; Darby, Linda; Eiden, Lee; Carpentier, Julian; Carter, Jennifer (Contractor); El-Nagggar, Jennifer (Contractor)  
Subject: Soft Copy Executive order analysis

Executive Order Implementation- Responsibility of Chief FOIA Officer  
Agency-Specific Plan

- 1) Concrete Milestones
- 2) Specific Timetables
- 3) Outcomes to be achieved

### **Web**

Affirmative disclosure under subsection (a)(2)-General postings on Website  
Exec. Order 13,392 Sec 3(a)(iv)

Proactive disclosure of information –other info that can be released in full, not in category above- 3x rule, working with grant office to time release of new grants for posting

Exec. Order 13,392 Sec 3 (b)(ii)

Exec. Order 13,392 Sec 3(a)(iv)

Overall FOIA website improvement –friendly format and navigation-See Dept. of State verbage

### **References**

Improvement of Agency's FOIA reference guide-maintenance of FOIA reference guide or requester handbook –increase public awareness of FOIA procedures

Exec. Order 13,392 Sec 3 (b)(iii)

### **Automation in FOIA**

Automated Tracking capabilities-Status of requests

Automated Processing capabilities – EFOIA- Scan Redact and process- use of less paper – CD SOP for every case over 200 pages and greater quality control efficient-review of PDF easier for page count and QC and effective procedures in place to speed time turnaround-the time it takes to print out 100's of pages on one shared printer, can burn 3 disks

Exec. Order 13,392 Sec 3(a)(iii)(A) “use of IT in responding to FOIA requests”

Exec. Order 13,392 Sec 2 (b)(i) “Efficiency”

EFOIA – receiving/responding to requests electronically- “must” respond to requester in format requested if “reasonable”

“Commonplace”

- **FBI Use of technology to expedite customer service:** We've moved to paperless processing through our FOIPA Document Processing Systems (FDPS), compliant with the legal requirements under E-FOIA for the electronic processing of requests for documents classified at the “Secret” level or below. The FDPS allows the FBI to scan official FBI paper files, documents, and correspondence, and then process them electronically rather than by the traditional method of redacting information manually on paper. RIDS is using the system for all new FOIA and Privacy Act requests.

## **Case Management**

Multi-track processing –addresses backlog of pending requests-see DOJ multitrack paper  
Exec. Order 13,392 Sec 3 (a)(iii) (C)

Troubleshooting existing problems –human error removal in process, generic solutions-  
Intake QC process

Case-by-Case problem identification – Problems or mistakes in process, lessons learned

Expedited Processing-expediting the FOIA request must be made within 10 calendar days  
Exec. Order 13,392 Sec 3 (a)(iii) (B)

Backlog reduction/elimination –“identify ways to eliminate them or reduce them” Major  
section- See backlog idea paper

## **Communication with public**

Politeness/courtesy – “customer service requirement” –added additional lines to be  
answered for FOIA mailbox

Forms of communication with requesters – better job communication= clarity of request-  
Status letter idea for backlog cases

Acknowledgement letters – Responsive and proactive approaches

System of handling referrals – process of making referrals

System of handling consultations – records that originated outside DoE – agency to  
agency process

Cooperation with Program personnel – maintain records (POC)- Lee’s idea of POC  
coordinator training and outreach meetings

Improvement ideas from field office personnel – Decentralized offices that process  
FOIA, (OIG, OCR, Regions) Lee’s idea of POC coordinator training and outreach  
meetings

## **Training**

Additional training needed – In house training- Lee’s idea of POC coordinator training  
and outreach meetings

In-house training on safeguarding label/FOIA exemption distinctions – “FOUO” or “SBU”

Increased staffing - Exec. Order 13,392 Sec 2 (b)(iii) – “adjustments to agency practices, policies, personnel and funding as may be necessary”  
Exec. Order 13,392 Sec 3 (a)(i) “expenditure of resources”

Changes of personnel practices – grade levels of personnel- Delegations

Contracting out/hiring contract employees – SAIC

Purchase of new equipment needed – basic office equipment necessary to get job done  
“productivity and efficiency”-CDs

### **FOIA Infrastructure**

Centralization/decentralization – effective approach

Recycling of Improvement Information gleaned from FOIA requester service centers –  
“customer feedback” form FOIA public liaison .-Sample customer feedback form

From: Eiden, Lee  
Sent: Tuesday, May 09, 2006 5:49 PM  
To: Clark, Michell  
Cc: Aten, Nina; Kaplan, James; Arrington, Angela; Carpentier, Julian  
Subject: RE: E.O. 13,392 implementation

Michell,  
We have this well in hand. Julian Carpentier of our staff is taking point on this activity and working closely with Angela.  
Lee

-----Original Message-----

From: Clark, Michell  
Sent: Tuesday, May 09, 2006 5:17 PM  
To: Eiden, Lee  
Cc: Aten, Nina; Kaplan, James  
Subject: FW: E.O. 13,392 implementation

FYI and action as appropriate...

Make it a Great Day!!

Michell Clark  
Assistant Secretary for Management and Acting CIO  
Department of Education  
400 Maryland Ave., S.W.  
Washington, D.C. 20202  
(202) 260-7337

-----Original Message-----

From: List.Names@usdoj.gov [mailto:List.Names@usdoj.gov]  
Sent: Monday, May 08, 2006 9:28 AM  
To: Abbott, Marilyn; Baker, Richard; Barnes, Janet L.; Bartholow, Steven; Boling, Edward; Booker, Carol; Buffon, Kathleen; Carson, David; Cerveney, John; Conley, Michael; Cooney, Maureen; Coulter, Frank; Cragg, Scott; Crumacker, Jill; Danker, Deborah; DeFrancis, Suzy; DeSoto, Lisa; Discenza, Michael; Donaldson, Lyn; Eyre, Jane; Feder, Samuel; Fernandez, Alexander; Flahavan, Richard; Ford, Delorice; Fortuno, Victor; Fried, Maria; Garfinkel, Mark; Glah, Janeen; Glynn, M.L.; Gottfried, Keith; Grafeld, Margaret; Hackett, John; Halbert, Gary; Hawkins, Donald; Hertz, Philip; Hill, Beverly; Hughes, Inez; Inman, Kathryn; Johnson, Jennifer L.; Johnson, Mary; Jones, Douglas; Jordan, Mosina; Jurith, Edward; Kammer, William; Kaye, Janice; Kearney, Barry; Keats, Craig; Killette, Delores; Knapp, Lindy; Kolb, Ingrid; Laponsky, Mark; Le, William; Levitt, Marilyn; Luttnier, Mark; Mallon, Thomas; Mantini, John; Mason, Eileen; Mastroianni, Peggy; Robert.McCallum@usdoj.gov; McConnell, Stephen; McDonnell, Erin; McKenna, Michael; McLaughlin, Jeanne; Melendy, Rosemary; Monroig, Emma; Moye, Melba; NASA FOIA; Nichols, Dorothy; Ogbazghi, Joan; Oliver, Ramona; Oliveri, Medaris; Pack, Sandra; Petrick, James; Pizzella, Mary Joy; Powell, D. Matthew; Pusateri, Kenneth; Reynolds, Kate; Roberts, Bentley; Roberts, Keith; Schiffer, Lois;

Shanks, Margie; Shapiro, Robert; Shonka, David; Silber, Jacqueline;  
Sokul, Stanley; Stern, Gary; Stevenson, Todd; Tarasiuk, Aldolfo; Thomas,  
Peter; Thro, Alison; Tipton, W. Hord; Travers, Linda; Trinity, Frank;  
Valandra, Joseph; VanBrakle, Bryant; Verreau, Rebecca; Wallace, Sally;  
Warner, Christopher; Webb, Jean; Weiss, Nancy; Whiteman, Mark; Williams,  
Steven; Williams, Tracy; Wilson, Leon; Winter, Celia; Zak, Leocadia;  
Suro-Bredie, Carmen; Bryant, Wil; Duncan, Thomasenia; Clark, Michell  
Subject: E.O. 13,392 implementation

This is a reminder to all agency points of contact on the implementation of Executive Order 13,392 (i.e., Chief FOIA Officers, FOIA Public Liaisons, and other principal agency FOIA personnel) that OIP's second open house on EO plan development will be held at OIP's offices (1425 New York Ave., N.W., 11th floor) from 10:00 to 12:00 on Wednesday, May 17. At the last open house, held on April 27, a copy of the EO implementation guidance was distributed. That guidance is available on OIP's FOIA Web site (at the following link:  
<http://www.usdoj.gov/oip/foiapost/2006foiapost6.htm>); please see both footnotes 1 and 26 of this guidance memorandum regarding governmentwide EO implementation meetings. Any question can be posed to the head of OIP's EO implementation team, Pam Maida, at 514-3642.

From: Arrington, Angela  
Sent: Monday, May 08, 2006 9:56 AM  
To: Cueva, Maria-Teresa; Darby, Linda; Mullan, Kate (Contractor); El-Naggar, Jennifer (Contractor); Carter, Jennifer (Contractor); Carpentier, Julian; Swafford, Christie; Washington, Tomakie; Jessup, Bernie; Garrett, Patrice (Contractor); Bell, Keedah (Contractor); Valentine, Stephanie  
Cc: Eiden, Lee  
Subject: FW: FOIA Executive Order Review and Improvement Plan (related documents)

FOIA Team:

Please see Julian's message below. These documents will be helpful for our working session that is scheduled for Thursday at 10:00. Please review these documents before Thursday's meeting.

Thanks,  
Angela

Angela Arrington  
Department Of Education - OM  
550 12th St. SW - Room 9156  
Washington, DC 20004  
work (202) 245-6409

-----Original Message-----

From: Carpentier, Julian  
Sent: Thursday, May 04, 2006 5:10 PM  
To: Arrington, Angela  
Subject: FOIA Executive Order Review and Improvement Plan (related documents)

Attached are documents that can assist in the preparation of the FOIA Executive Order Review and Improvement Plan:

FOIA In-House Consultants Recommendations

FOIA Executive Order Side-by-Side Comparison

FOIA E.O. Guidance from DoJ (January 2006)

ED FOIA E.O. Response to OMB (January 2006)

OM-RIMS 2006-2008 Strategic Plan

FOIA E.O. Implementation Guidance (April 2006): <<http://www.usdoj.gov/oip/foiapost/2006foiapost6.htm>>  
--Provides instructions on writing the FOIA Operations Review and Implementation Plan (due June 14, 2006) as required by the FOIA Executive Order.

FOIA Executive Order: <<http://www.whitehouse.gov/news/releases/2005/12/20051214-4.htm>>  
FOIA ACS Directive: <[http://wdcrobiis08/doc\\_img/acs\\_ocio\\_1\\_102.doc](http://wdcrobiis08/doc_img/acs_ocio_1_102.doc)>  
FOIA Annual Reports: <[http://www.ed.gov/policy/gen/leg/foia/readingroom\\_7.html](http://www.ed.gov/policy/gen/leg/foia/readingroom_7.html)>



## SENIOR STAFF BRIEFING

# Freedom of Information Act (FOIA) “To Be” Recommendations

In-House Consultant Team  
Performance and Process  
Improvement Services

- Kay Gilcher
- Chris M. Fisher
- Ruth Ann Harrold
- Tony Magro

U.S. Department of Education  
November 13, 2003

**in - house consultants**



**Finding 1 There is no central point of receipt of F requests.**

**Recommendation 1 Ensure central intake, review and assessment of all requests relative to complexity, sensitivity and risk through technology and oversight by OCIO.**

**Enablers: A web-based management, tracking and reporting system and scanning capability at headquarters (OCIO) and in each regional office.**

**OCIO continuously monitors the system for accuracy, duplication and timeliness.**

**Finding 2 ED does not use the web site effectively to provide information to customers and staff**

**Recommendation 2a Optimize use of the web to provide technical assistance and releasable materials, which will reduce the number of FOIA requests and improve the quality of those that are submitted**

- Update the information available to the public on how to initiate a FOIA request and on FOIA guidelines
- Increase availability of releasable documents on the ED website
- Place a FOIA icon on ED.gov home page. ✓

**Recommendation 2b Enhance the FOIA intranet site to provide easy access for staff to FOIA information, resources and tools.**

**Finding 3** The Department has not aligned staff resources to effectively manage the FOIA process to provide appropriate levels of service to the PO

**Recommendation 3** Deploy staff resources strategically to support FOIA by

- Building on best practices learned from organizations including central oversight, clear accountability, and clear roles of FOIA staff
- Enhancing the range of service OCIO provides to Principal Offices
- Ensuring coordinated, high level oversight of the function in OCIO, and in the Principal Offices (Ch of Staff)

**Finding 4 Processing FOIA requests has been a low priority for the Department and there is a lack of accountability for the FOIA process**

**Recommendation 4 ED should establish clear accountability and ownership throughout the FOIA business life cycle by**

- **Ensuring that all ED staff have a basic understanding of FOIA and recognize its importance**
- **Clarifying the FOIA Officer and Coordinator functions**
- **Including FOIA responsibilities in EDPAS of key personnel**
- **Monitoring against organizational performance standards for timeliness and quality (OCIO)**
- **Assigning Chief of Staff oversight of the FOIA function to the Principal Offices**

**Finding 5 ED has a high number of pending requests and pending appeals**

**Recommendation 5 Establish performance standards for timeliness for each phase of the process and monitor against those standards.**

**Enabler: OCIO monitors web-based FOIA management tracking and reporting system for accuracy, duplication and timeliness throughout the cycle.**

**Finding 6** FOIA coordinators and staff working on FOIA requests are not fully knowledgeable about FOIA legislation, regulations, and other guiding directives (b)(5)

**Recommendation 6a** Make training readily available to FOIA Officers, FOIA Coordinators, and ED staff

- Require annual training for FOIA officers and coordinators
- Deploy DOJ customized training (b)(5)
- Develop and deliver a FOIA awareness campaign to ED employees (b)(5)

**Recommendation 6b** Update and issue the ACS Directives

**Recommendation 6b** Update the FOIA Regulations

**Finding 7** Current technology is not used consistently and does not support effective request management and required reporting to DOJ/Congress

**Recommendation 7** Acquire a comprehensive and integrated FOIA management, tracking and reporting system; involve FOIA coordinators in the review of options.

## Proposed IT-Tool Functionality – Key Features

---

- ▶ **Web-based system serves as an online portal for FOIA Initial Request and Appeals processes**
- ▶ **Provides options for notifying requestors, via e-mail, of status of request**
- ▶ **Allows cases to be assigned/reassigned to responsible POs**
- ▶ **Provides scanning functionality at all input points**
- ▶ **Allows for web-based estimations and payment management**
- ▶ **Capable of handling all document and image formats**



## **Proposed IT-Tool Functionality – Key Features (cont)**

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- ▶ **Supports electronic redactions and annotations**
- ▶ **Supports the collection and compilation of data for annual reports**
- ▶ **Allows for shared reporting for dispersed principal offices**
- ▶ **Supports communication among agency FOIA staff.**
- ▶ **Automatically notifies and prompts users of key activities, actions and deadlines.**



## Proposed IT-Tool Functionality – Integration and Reporting

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- ▶ Integrated, to varying extent, with relevant ED systems, including case management, e-mail and Exec Sec controlled correspondence.
- ▶ Makes available a variety of status tracking and performance reports. Also allows creation of ad-hoc queries and reports.



## Events that Trigger Major Activities

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Written request for information	➡	Initial Request Process
Assignment to Principal Office	➡	Search for Records
PO's Fee Estimate	➡	Request for a Fee Waiver
Determination that Records are Fully Releasable	➡	Delivery of Response Package to Requestor
Determination that there are "no records" or a full or partial denial	➡	Delivery of a Denial response to Requestor
Lack of timely payment	➡	Payment Notice
Updating of FOIA system	➡	Close Out of Request
Written Appeal from Requestor	➡	Appeals Process

**in - house consultants**



## Overview of the “To Be” Processes

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**The Initial Request Process consists of five phases**

- **Intake/assessment**
- **Request Processing**
- **Fee Waiver**
- **Close Out**
- **Payment Processing**

**The Appeal Process consists of a single phase**



## **Intake/assessment - Headquarters**

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**OCIO is central point of intake for all headquarters FOIA requests**

**OCIO assesses each request regarding complexity, sensitivity and risk.**

**OCIO coordinates the processing of the request by the appropriate PO(s), establishes target dates, and monitors the status.**



## **Intake/assessment – OIG and OCR Regions**

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**FOIA requests received by OIG and OCR regions are scanned and entered into the FOIA management, tracking and reporting system.**

**OIG/OCR regions assess each request regarding complexity, sensitivity and risk.**

**Chiefs of Staff responsible for monitoring and accountability of all FOIA transactions within Principal Offices.**

- Establish and oversee mechanisms for quality review**
- Use periodic reports provided by OCIO to monitor PO performance in FOIA processing**
- Ensure that staff are trained and have adequate support to meet organizational performance standards**



## **Request Processing – Headquarters, OIG and OCR Regions**

---

**OCIO provides FOIA technical assistance to POs (in some cases, full service).**

**Principal Office staff contact the requestor for clarification and conduct a search for requested information or records.**

**If staff determine the information is fully releasable, they send a copy to OCIO. If OCIO concurs, POC staff send the information to the requestor, and update the system.**



## **Request Processing – Headquarters, OIG and OCR Regions**

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**If staff determine that any records should be withheld, they prepare the denial packages and send it to the FOIA Officer (OCIO) or to the OIG/Regional Denial Officer.**

**OGC provides legal advice and technical assistance.**

**The FOIA Officer/Denial Officer prepares the final responses when any of the requested materials are withheld, sends the package to the requestor and updates the FOIA system.**

**Chiefs of Staff are responsible for ensuring the quality and timeliness of responses.**



## **Fee Waiver, Close Out and Payments**

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**Requestors may ask for a fee waiver associated with the processing of the request.**

**The FOIA Officer (in OCIO) has the authority to grant or deny these requests.**

**Requestors may appeal this decision to the FOIA Appeals Officer.**

**OCIO is responsible for closing out all requests and for receiving fee payments.**



## **Appeal Process**

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**Requestors have the right to appeal a “no records” response and full or partial denial of records.**

**All appeals are received and analyzed by OCIO, including those received in the OCR regions and by OIG.**

**OCIO consults with the offices involved and reviews the draft decision letter prepared by the PO, which is also reviewed for legal sufficiency by OGC.**



## Performance/Stretch Target – Intake/Review Phase

- ▶ Requestor is contacted within 20 days for clarification
- ▶ All changes in the request are documented in the management, tracking and reporting system
- ▶ 95% of initial requests are assigned to the appropriate Principal Office the first time
- ▶ 100% of multiple office requests are assigned a responsible coordination point
- ▶ 100% of all FOIA requests are entered into the management, tracking and reporting system



## Performance/Stretch Target (b)(5) - Processing Phase (b)(5)

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- ▶ OCIO and PO staff who have FOIA responsibility attend FOIA training annually.
- ▶ All ED staff participate in awareness training.
- ▶ 90% of FOIA responses are completed within the assigned timeframe.
- ▶ 100% of requests are updated in the management, tracking and reporting system with accurate information on status.
- ▶ In the appeals process, no records are found that should have been included in the initial response.



## Performance/Stretch Targets – Remaining Phases

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Fee Waivers/Fee  
Waiver Appeals

- ▶ No fee waiver appeals are granted on the basis of incorrectly identified requestor status

Close Out

- ▶ All requests are closed within 24 hours of time response is sent to requestor

Payment  
Processing

in - house consultants

(g)(a)



## Performance/Stretch Targets – Appeals Proc

(b)(5)

- ▶ 95% of appeals are responded to within 60 days
- ▶ The number and disposition of appeals are accurately reflected in the annual DOJ data call



# SIDE-BY-SIDE

## Executive Order: Improving Agency Disclosure of Information (12.15.2005) and Department of Education (ED)

Status	Executive Order	ED Status (As of January 30, 2006)
YELLOW	<p><b>“Section 1. Policy:</b> Agencies shall process requests under the FOIA (Freedom of Information Act) in an efficient and appropriate manner and achieve tangible, measurable improvements in FOIA processing.”</p>	<p><b><u>ED Administrative Communications System (ACS) FOIA Directive [I. Purpose]:</u></b> The FOIA ACS Directive provides ED employees with the policies, procedures, and guidance necessary to respond to FOIA requests in a timely and efficient manner that promotes public understanding of ED operations and activities.</p> <p><b><u>Status:</u></b> FOIA policies and procedures are in place. However, FOIA response timeliness remains a problem. The Regulatory Information Management Services (RIMS), within the Office of the Chief Information Officer (OCIO), will continue to work with Program Offices and the Office of the General Counsel (OGC) on training and responsiveness.</p>
GREEN	<p><b>“Section 2. Agency Chief FOIA Officers:</b></p> <ul style="list-style-type: none"> <li>The head of each agency shall designate within 30 days of the date of this order (<b>DUE DATE: 1/13/2006</b>) a senior official of such agency (at the Assistant Secretary or equivalent level), to serve as the Chief FOIA Officer of that agency.”</li> </ul>	<p>The Secretary has designated the Assistant Secretary for Management/Chief Information Officer (ASM/CIO), Michell Clark, as the Department’s FOIA Officer. Also, the ED organizational structure established the Regulatory Information Management Services Director, Jeanne Van Vlandren, as the Chief FOIA Officer.</p> <p><b><u>Status:</u></b> Done.</p>
GREEN	<ul style="list-style-type: none"> <li>“The Chief FOIA Officer shall have agency-wide responsibility for efficient and appropriate compliance with the FOIA.”</li> </ul>	<p><b><u>FOIA ACS Directive [V.G.]:</u></b> FOIA Officers are designated by the CIO to oversee ED’s administration of the FOIA.</p> <p><b><u>Status:</u></b> Done.</p>

# SIDE-BY-SIDE

## Executive Order: Improving Agency Disclosure of Information (12.15.2005) and Department of Education (ED)

Status	Executive Order	ED Status (As of January 30, 2006)
GREEN	<ul style="list-style-type: none"> <li>“The Chief FOIA Officer shall monitor FOIA implementation throughout the agency, and keep the head of the agency, the chief legal officer of the agency, and the Attorney General appropriately informed of the agency’s performance in implementing the FOIA.”</li> </ul>	<p>The ASM/CIO, working with the Chief of Staff (CoS), defined the CoS role in monitoring the FOIA implementation throughout the agency.</p> <p><b><u>FOIA ACS Directive [VI.B.]:</u></b> The FOIA Officers provide Department-wide oversight for the management and implementation of the FOIA.</p> <p><b><u>FOIA ACS Directive [VI.G.]:</u></b> The Department submits the FOIA Annual Report to the Department of Justice (DoJ) <b>on or before February 1 each year.</b></p> <p><b><u>Status:</u></b> Done.</p>
YELLOW	<ul style="list-style-type: none"> <li>“The Chief FOIA Officer shall recommend to the head of the agency such adjustments to agency practices, policies, personnel, and funding as may be necessary to carry out the policy as set forth in this Executive Order.”</li> </ul>	<p><b><u>FOIA ACS Directive [VI.B.]:</u></b> The RIMS Officers (in collaboration with other appropriate staff) develop ED policies, directives, regulations, and guidance materials for use by all ED employees in processing FOIA requests.</p> <p><b><u>Recommendations:</u></b></p> <ol style="list-style-type: none"> <li>1) Assign/recruit additional OGC attorney assigned to FOIA</li> <li>2) Provide full funding for RIMS Support Services Contract</li> <li>3) Fill vacant FOIA government positions within RIMS</li> <li>4) Purchase additional scanners in the Principal Offices</li> </ol>

## SIDE-BY-SIDE

### Executive Order: Improving Agency Disclosure of Information (12.15.2005) and Department of Education (ED)

Status	Executive Order	ED Status (As of January 30, 2006)
GREEN	<ul style="list-style-type: none"> <li>“The Chief FOIA Officer shall review and report to the Attorney General, through the head of the agency, on the agency’s performance in implementing the FOIA.”</li> </ul>	<p><b><u>FOIA ACS Directive [VI.B.16.]:</u></b> The FOIA Officers prepare ED’s FOIA Annual Report and submit to DoJ.</p> <p><b><u>Status:</u></b> Complete to date.</p>
GREEN	<ul style="list-style-type: none"> <li>“The Chief FOIA Officer shall include concise descriptions of the FOIA’s statutory exemptions in both the agency’s FOIA handbook, and the agency’s annual FOIA report, and provide an overview of certain general categories of agency records to which those exemptions apply.”</li> </ul>	<p><b><u>FOIA ACS Directive [VII.B. FOIA Exemptions and Exclusions]:</u></b> The full text of the FOIA exemptions are available on ed.gov (<a href="http://www.ed.gov/policy/gen/leg/foia/exemptions.html">http://www.ed.gov/policy/gen/leg/foia/exemptions.html</a>).</p> <p>Requestor data for each applicable exemption are located in the FY 2004 ED FOIA Annual Report (<a href="http://www.ed.gov/about/reports/annual/foia/foiafy04.pdf">http://www.ed.gov/about/reports/annual/foia/foiafy04.pdf</a>).</p> <p>The FOIAXpress operating procedures contain concise descriptions of the FOIA statutory exemptions.</p> <p><b><u>Status:</u></b> Done.</p>
GREEN	<ul style="list-style-type: none"> <li>“Each agency shall establish one or more FOIA Requester Service Centers (Center), which shall serve as the first place that a FOIA requester can contact to seek information concerning the status of the person’s FOIA request and</li> </ul>	<p><b><u>FOIA ACS Directive [V.E.]:</u></b> The FOIA Office (OCIO/RIMS) is responsible for overseeing ED’s administration of the FOIA.</p> <p><b><u>Status:</u></b> Requested function is currently performed by OCIO/RIMS.</p>

# SIDE-BY-SIDE

## Executive Order: Improving Agency Disclosure of Information (12.15.2005) and Department of Education (ED)

Status	Executive Order	ED Status (As of January 30, 2006)
	appropriate information about the agency's FOIA response."	
<b>YELLOW</b>	<ul style="list-style-type: none"> <li>"The Chief FOIA Officer shall designate one or more agency officials as FOIA Public Liaisons, who may serve in the Center or in a separate office. FOIA Public Liaisons shall serve as supervisory officials to whom a FOIA requester can raise concerns about service, following an initial response from the Center staff. The FOIA Public Liaison shall assist in reducing delays, increasing transparency and understanding of the status of requests, and resolving disputes. FOIA Public Liaisons shall report to the agency Chief FOIA Officer on their activities."</li> </ul>	<p>The RIMS Director currently performs the duties of the FOIA Public Liaison.</p> <p><b>Status:</b> Using existing resources, officially designate a FOIA Public Liaison. (Done.)</p>
<b>GREEN</b>	<ul style="list-style-type: none"> <li>"The agency shall use existing agency staff and resources in establishing the Centers and designating FOIA Public Liaisons."</li> </ul>	FOIA costs and staffing data are located in Section IX. of the FY 2004 ED FOIA Annual Report.

## SIDE-BY-SIDE

### Executive Order: Improving Agency Disclosure of Information (12.15.2005) and Department of Education (ED)

Status	Executive Order	ED Status (As of January 30, 2006)
<b>YELLOW +</b>	<ul style="list-style-type: none"> <li>“Each agency shall post appropriate information about its Center or Centers on the agency’s website, including contact information for its FOIA Public Liaisons.”</li> </ul>	<p>Principal Offices have posted the required information on their webpages.</p> <p><b>Recommendation:</b> Full funding would allow OCIO/RIMS to improve the FOIA “ed.gov” website and better assist Principal Offices in addressing FOIA issues on program specific websites.</p>
<b>YELLOW</b>	<ul style="list-style-type: none"> <li>“The Chief FOIA Officer shall ensure that the agency has in place a method to receive and respond promptly and appropriately to inquiries from FOIA requesters about the status of their requests. The Chief FOIA Officer shall also consider whether the agency’s implementation of other methods, such as tracking numbers for requests, agency telephone or Internet, would be appropriate for status inquiries.”</li> </ul>	<p><b>FOIA ACS Directive [VILA. Initial FOIA Requests]:</b> Describes the procedures for initial requests.</p> <p><b>FOIA ACS Directive [VILH.3.]:</b> ED maintains the voice message-based FOIA Information Line to assist the public in obtaining information about the FOIA and the basic procedures for submitting a FOIA request to ED.</p> <p>ED established the FOIA Mailbox to allow the public to submit requests via e-mail. Also, individuals can submit a FOIA request online.</p> <p><b>Recommendation:</b> FOIAExpress allowed the Department to streamline its FOIA implementation process. However, FOIA response timeliness continues to be an issue. Our office believes the following resources will help shorten FOIA response time:</p> <ol style="list-style-type: none"> <li>1. Assign/recruit additional attorneys assigned to FOIA</li> <li>2. Provide full funding for the FOIA Support Services Contract</li> <li>3. Fill vacant FOIA government positions within RIMS</li> </ol>

# SIDE-BY-SIDE

## Executive Order: Improving Agency Disclosure of Information (12.15.2005) and Department of Education (ED)

Status	Executive Order	ED Status (As of January 30, 2006)
		4. Purchase additional scanners in the Principal Offices
<b>GREEN</b>	<p><b>“Section 3. Review, Plan, and Report:</b></p> <ul style="list-style-type: none"> <li>The Chief FOIA Officer shall evaluate, with reference to numerical and statistical benchmarks, the agency’s administration of the FOIA, including the agency’s expenditure of resources on FOIA compliance and the extent to which, if any, requests have not been responded to within the statutory time limit (backlog).”</li> </ul>	<p>OCIO/RIMS evaluated the Department’s administration of the FOIA during its FY 2004 FOIA re-engineering project (In-House Consultants).</p> <p>OCIO/RIMS also issues monthly status reports to the Chiefs of Staff and the FOIA Coordinators.</p>
<b>GREEN</b>	<ul style="list-style-type: none"> <li>“The Chief FOIA Officer shall review the processes by which the agency assists and informs the public regarding the FOIA process.”</li> </ul>	<p>During the third quarter of FY 2004, the Department began re-engineering the manner in which FOIA requests are processed.</p>
<b>GREEN</b>	<ul style="list-style-type: none"> <li>“The Chief FOIA Officer shall examine the agency’s use of information technology in responding to FOIA requests; including without limitation the tracking of FOIA requests and communication with requesters.”</li> </ul>	<p>During FY 2004, OCIO/RIMS installed FOIAXpress, a network-based system designed specifically to automate the FOIA processing for public requests. OCIO/RIMS researched and benchmarked available products before deciding on FOIAXpress. Currently, OCIO/RIMS is in the “initial installation” phase of implementing FOIAXpress.</p>

# SIDE-BY-SIDE

## Executive Order: Improving Agency Disclosure of Information (12.15.2005) and Department of Education (ED)

Status	Executive Order	ED Status (As of January 30, 2006)
GREEN	<ul style="list-style-type: none"> <li>“The Chief FOIA Officer shall examine the agency’s practices with respect to requests for expedited processing.”</li> </ul>	<p><b><u>FOIA ACS Directive [V.I. FOIA Working Group]:</u></b> Comprised of ED’s FOIA Officers and FOIA Coordinators whose function is to review any new FOIA changes or procedures and assist with the implementation of such.</p> <p>During FY 2005 and FY 2006, OCIO briefed the Chiefs of Staff on the roles and responsibilities of staff involved with the FOIA.</p>
GREEN	<ul style="list-style-type: none"> <li>“The Chief FOIA Officer shall examine the agency’s implementation of multi-track processing.”</li> </ul>	<p><b><u>FOIA ACS Directive [VII.K. System Support for FOIA Requests and Appeals Tracking and Management]:</u></b> FOIAXpress allows the Department to utilize multi-track processing.</p>
YELLOW	<ul style="list-style-type: none"> <li>“The Chief FOIA Officer shall review the agency’s policies and practices relating to the availability of public information through its websites and other means, including the use of websites to make available the records described in section 552(a)(2) of title 5, USC.”</li> </ul>	<p><b><u>FOIA ACS Directive [VII.I. ED’s FOIA Website and Electronic Reading Rooms]:</u></b> The ED FOIA Internet website includes an Electronic Reading Room that contains a wide range of documents about ED programs, and includes frequently requested materials.</p> <p><b><u>FOIA ACS Directive [VII.H. FOIA Reading Room]:</u></b> ED’s FOIA Reading Room, located at the National Library of Education, contains a wide variety of documents and information concerning ED’s programs and activities.</p> <p>OCIO/RIMS updated the ed.gov FOIA website during FY 2006 (<a href="http://www.ed.gov/policy/gen/leg/foia/foiatoc.html">http://www.ed.gov/policy/gen/leg/foia/foiatoc.html</a>).</p> <p><b><u>Recommendation:</u></b> Principal Offices need to post additional</p>

(b)(5)

# SIDE-BY-SIDE

## Executive Order: Improving Agency Disclosure of Information (12.15.2005) and Department of Education (ED)

Status	Executive Order	ED Status (As of January 30, 2006)
		information on the ed.gov FOIA website. This action would comply with the unofficial FOIA "Rule of 3," which requires Principal Offices to post information on the Internet that has been requested three times.
YELLOW	<ul style="list-style-type: none"> <li>"The Chief FOIA Officer shall identify ways to eliminate or reduce its FOIA backlog."</li> </ul>	<p><b><u>FOIA ACS Directive [VI.B.]:</u></b> FOIA Officers maintain a central reporting and tracking system for FOIA requests.</p> <p><b><u>FOIA ACS Directive [VI.C.8.]:</u></b> In every instance in which the 20 business-day response time cannot be met, FOIA Coordinators provide the requestor an opportunity to narrow the scope of the request; and/or negotiate a mutually acceptable schedule.</p> <p><b><u>FOIA ACS Directive [VILK.1.]:</u></b> System Support for FOIA Requests and Appeals Tracking and Management. The tracking system (FOIAXpress) streamlines the FOIA intake process, thus reducing backlog.</p> <p><b><u>FY 2004 ED FOIA Annual Report/Section</u></b> (b)(5) During the third quarter of FY 2004, the Department began re-evaluating the manner in which FOIA requests are processed. Early data indicates that this new process has begun to reduce backlogs and decrease median processing times. OCIO/RIMS identified additional ways to eliminate or reduce its backlog during the FOIA re-evaluation process.</p> <p><b><u>Recommendation:</u></b> FOIA backlog can be reduced and/or eliminated with additional training for subject matter experts, increased use of FOIAXpress and the FOIA Electronic Reading Room, full funding as described above; and with CoS leadership.</p>

**SIDE-BY-SIDE**  
**Executive Order: Improving Agency Disclosure of Information (12.15.2005)**  
**and Department of Education (ED)**

Status	Executive Order	ED Status (As of January 30, 2006)
TBD	<ul style="list-style-type: none"> <li>“The Chief FOIA Officer shall develop, in consultation with agency staff, the Attorney General, and the OMB Director, an agency-specific plan to ensure that the agency’s administration of the FOIA is in accordance with applicable law and the policies set forth in this Executive Order. The plan, which shall be submitted to the head of the agency for approval, shall address the agency’s implementation of the FOIA during FFYs 2006 and 2007.”</li> </ul>	OCIO has received guidance from OMB and DoJ and will prepare the draft plan as soon as possible.

# **SIDE-BY-SIDE**

## **Executive Order: Improving Agency Disclosure of Information (12.15.2005) and Department of Education (ED)**

### **Future Executive Order Requirements:**

1. The plan **shall** include specific activities that the agency will implement to eliminate or reduce the agency's FOIA backlog, including changes that will make the processing of FOIA requests more streamlined and effective, as well as increased reliance on the dissemination of records that can be made available to the public through a website or other means that do not require the public to make a request for records under the FOIA.
2. The plan **shall** include activities to increase public awareness of FOIA processing, including expanded use of the agency's Center and its FOIA Public Liaisons. OCIO/RIMS conducted Department-wide FOIA Awareness Training in the fourth quarter of FY 2005. OCIO/RIMS also updated the ed.gov FOIA website in FY 2006. The new features offer a more user-friendly experience for both internal and external FOIA customers.
3. The plan **shall** include concrete milestones, with specific timetables and outcomes to be achieved, by which the head of the agency, after consultation with the OMB Director, shall measure and evaluate the agency's success in the implementation of the plan. During the third quarter of FY 2004, the Department began re-engineering the manner in which FOIA requests are processed.
4. The head of the agency **shall** submit a report, no later than 6 months from the date of this order (**DUE DATE: 6/14/2006**), to the Attorney General and the OMB Director that summarizes the results of the review (Section 3(a) of this E.O.) and encloses a copy of the agency's plan (Section 3(b) of this Order). The agency **shall** publish a copy of the report on its website.
5. The head of the agency **shall** include in its FY 2006 and 2007 annual FOIA reports a report (**DUE DATES: FY06-2/1/2007; FY07-2/1/2008**) on the agency's development and implementation of its plan (under Section 3(b) of this Order) and on the agency's performance in meeting the milestones set forth in that plan. If the agency does not meet a milestone in its plan, the head of the agency **shall** identify its deficiency in the annual FOIA report; explain in the annual report the reasons for failure to reach the milestone; outline in the annual report the steps that the agency has already taken, and will be taking, to address the deficiency; and report this deficiency to the President's Management Council.



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF MANAGEMENT

ASSISTANT SECRETARY

**JAN 13 2006**

Mr. Joel D. Kaplan  
Deputy Director  
Office of Management and Budget  
Washington, D.C. 20503

Dear Mr. Kaplan:

In accordance with the President's Executive Order 13392 of December 14, 2005, regarding "Improving Agency Disclosure of Information," the U.S. Department of Education (the Department) is providing the following official responses to the actions required of agencies by the Order:

### **Designation of a Chief FOIA Officer**

Each agency was required by the President's Executive Order to designate a Chief Freedom of Information Act (FOIA) Officer (Assistant Secretary level or equivalent) by January 13, 2006. The Secretary has designated the Assistant Secretary of Management the Department's Chief FOIA Officer. Michell Clark serves as Assistant Secretary of Management (Acting).. We are in the process of posting the designation on our website.

### **Designation of Public Liaisons**

The Chief FOIA Officer is required to designate one or more public liaisons and place the contact information for the public liaisons on the agency's website. The Department's Director of Regulatory Information Management Services (RIMS), Jeanne Van Vlandren, has been performing the duties of the public liaison, and will now carry the official designation. We are in the process of revising the contact information posted on our website.

### **Establishment of a FOIA Requester Service Center**

Each agency was required by OMB to establish one or more FOIA Requester Service Centers and place contact information for the Center on the agency's website. The RIMS office is currently carrying out the functions of the FOIA Requester Service Center. The Department is officially declaring RIMS the FOIA Requester Service Center.

**Completing the Review and Plan, and Reporting**

Each agency was tasked to submit a report by June 14, 2006, containing a summary review of the agency's FOIA operations and to draft a plan for improvement with concrete milestones for Fiscal Year (FY) 2006 and FY 2007. Agencies were also tasked to include information on the agency's performance in meeting the milestones of its FOIA improvement plan in each agency's FY 2006 and FY 2007 FOIA report to the Department of Justice (for FY 2006: due February 1, 2007; and for FY 2007: due February 1, 2008). The Department is looking forward to submitting the required reports in a timely and efficient manner.

If you have any questions or comments regarding our FOIA designations, please contact Jeanne Van Vlandren, Director, Regulatory Information Management Services, at 202-245-6611, or at [Jeanne.Van.Vlandren@cd.gov](mailto:Jeanne.Van.Vlandren@cd.gov).

Sincerely,

A handwritten signature in black ink that reads "Michelle Clark". The signature is fluid and cursive, with the first name "Michelle" and last name "Clark" clearly distinguishable.

Michelle Clark  
Acting Assistant Secretary for Management

## **Worksheet 1: Future Scenario – Your Vision**

Envision a future scenario for 2007. Consider the questions above and write your vision below. Describe it in as much detail as possible.

### **REGULATORY INFORMATION MANAGEMENT SERVICES**

Regulatory Information Management Services (RIMS) provides leadership, oversight, and coordination to ensure Departmental compliance with government initiatives regarding the acquisition, release and maintenance of information. In particular, this relates to the following activities within the Department of Education:

- Freedom of Information Act (FOIA);
- Privacy Act;
- Records Retention and Management; and,
- Information Collection.

RIMS is responsible for providing policies, standards, and procedures that ensure ED compliance with governmental information management requirements in these areas. In addition, this component provides instruction to assure that customers are educated and supported in the performance of these efforts.

Over the past several years (2003-05), the Department employed the Strategic Investment Process ("One-ED) and ED In-House Consultants to conduct thorough reviews of these major programs. Specific recommendations were made and initial steps have been undertaken to implement positive changes. For 2007, OM/RIMS envisions the following:

- **Develop and Implement Awareness and Training Curriculums.** The Presidential FOIA Executive Order and the Secretary's directive required RIMS to initiate FOIA training in Headquarters -- additional Regional training is still required. In addition, similar awareness and education programs should be started for the Privacy, Information Collection and Records Management programs. As the program matures over the next several years OM/RIMS should construct a strategic communications program and provide flexible options in educating and/or refreshing Departmental employees knowledge base within the context of management systems.
- **Institute Routine Informational and Dialogue Sessions with Key Program Stakeholders.** In addition to broad educational communications with Departmental staff on major RIMS programs, there is a need to institute ongoing sessions with the intermediary ED stakeholders who serve as the primary link with the Principal Operating Components. The FOIA, IC and RM evaluations all highlighted the important roles of these individuals – IC Clearance Coordinators, Records Liaison Officers, and FOIA Contacts. Each of these groups, as well as their constituents would benefit, from regular sessions with RIMS staff to review new developments, share and address common problems, and determine items 'on the horizon.'

**REGULATORY INFORMATION MANAGEMENT SERVICES -- (continued)**

- **Website Assessments and Redevelopment.** Stakeholders have requested access to more recent and relevant information on RIMS programs via the Internet – both for external and internal customers. During 2007, it would be beneficial to assess and redevelopment websites regarding FOIA, Privacy, Information Collection Clearances, and Records Management and Retention. *(For example, with better information ED Offices would be less prone to saving superfluous records and reduce storage and retrieval costs.)*

- **Nonresponsive**

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Worksheet 2: Current Reality

**RIMS** is currently in **transition**.

*The current reality is defined by outcomes from the SIP process for FOIA, Information Collection and Records Management. Although lengthy, the findings and recommendations from these seminal studies define the vision and goals for RIMS and serves as the touchstone for understanding the current reality and the gaps for attaining the ultimate vision.*

**FOIA/Privacy – (Findings & Recommendations):**

1- (b)(5)

2-

3-

4-

5-

6-

7-

**Records Management – (Findings & Recommendations):**

- 1- **Nonresponsive** comprehensive RM program creates opportunity costs to the Department associated with lost productivity and inefficient use of facilities that could otherwise be rededicated to core mission accomplishment.  
Start-Up Recommendation 1 - Enhance policy to establish appropriate standards for RM procedures  
Core Management Recommendation 1 - Continually review policies to ensure that they are up-to-date and reflect the current state of business.
- 2- **Improper records destruction practices (i.e., not in accordance with NARA approved schedules) inhibit the Department's ability to defend itself against litigation and subsequent potential for monetary loss and/or political scrutiny.**  
Start-Up Recommendation 2 - Provide centralized Service offerings to assist PO's in lowering cost and risk related to RM.  
Core Management Recommendation 2 - Develop and provide a slate of bulk services based on the Department's needs such as shredding, scanning, and boxing, in addition to providing consultative advice.
- 3- **Inconsistent and/or inappropriate RM practices prevent Departmental compliance with Federal regulations, creating the potential for increased political scrutiny that may impact mission accomplishment.**  
Start-Up Recommendation 3 - Develop a RM awareness and training program to increase employees understanding of RM.  
Core Management Recommendation 3a - Refine the RM awareness and training program to focus on customer or business line-specific issues regarding RM.  
Core Management Recommendation 3b - Enhance electronic records management tools across the Department to increase accountability through better tracking of records and increase efficiency through the reduction of paper processing.
- 4- **Lack of a standard, functioning RM program decreases the effectiveness of the Department's contingency capability, creating the potential for operational failure in the event of an emergency.**  
Start-Up Recommendation 4 - Enhance quality control efforts to increase accountability and gain key knowledge about the volume and distribution of records in the Department.  
Core Management Recommendation 3 - Establish a comprehensive quality control program.

**Information Collection – (Findings & Recommendations):**

- 1- **Nonresponsive** training enterprise-wide challenges the Department's ability to collect information in a manner that is timely and ensures data integrity.  
Recommendation 1 - Develop and implement a formalized training curriculum, linked to ED's strategic communications program, that provides flexible options in educating and/or refreshing Departmental employees in information collection within the context of enterprise-wide systems.
- 2- **Information collection is not supported by a management information system capability that enables more efficient and effective monitoring and control of the Clearance process.**  
Recommendation 2 - Develop Implement management information system(s) via enhancement and/or acquisition to support the planning, tracking, and evaluation of

**Nonresponsive Collection(s).**

- 3- **The use of streamlined information collection methods are not used to the fullest extent possible, leading to prolonged cycle times and inefficient use of resources.**

**Recommendation 3** - Educate staff and promote the use of streamlined information collection clearance methods (where feasible).

- 4- **Inconsistent communication/collaboration practices internal and external to ED contribute to prolonged cycle times and strained stakeholder relations.**

**Recommendation 4a** - Redefine ED/OCIO information collection clearance staff roles and responsibilities – develop Clearance process “brokers” and “facilitators.”

**Recommendation 4b** - Establish a central advisory body, composed of policy and technical staff from ED POs (with the cooperation of OMB) to discuss, review, and analyze Departmental data and information collections with the purpose of better coordinating and integrating these activities.

- 5- **Lack of clear and consistent business rules regarding Departmental information collection practices causes disparity in operations and inefficient use of resources.**

**Recommendation 5** - Develop clear and consistent business rules (standards) to expedite information collection clearance activities across the Department.

All of these findings and recommendations can be aggregated into three (3) general areas:

- **Process**
- **People**
- **Technology.**

And, the common outcome relates to **improved customer service** – for our stakeholders – generally, the public and clients within the Department of Education.

The benefits of the proposed improvements center around two (2) general areas:

- **More efficient and effective use of assets/ resources; and,**
- **Increased accountability and reduced risk throughout the Department.**

Currently, RIMS has begun to initiate these recommendations.

**Process --**

Work is underway to develop clear and consistent business rules across RIMS programs in the revision of delegations and the development and updating *ACS Directives*. Rudimentary steps have been undertaken to develop “Reference Manuals” for the key POC stakeholders who serve as intermediaries for the FOIA, IC, and RM programs.

Over the past year, RIMS has been defined as the “FOIA Requester Service Center.” Not only does this address the December 14, 2005 Presidential Executive Order “Improving Agency Disclosure of Information” it also responds to a key findings of the FOIA study to establish “a central point of receipt for FOIA requests.”

## ***Regulatory Information Management Services (RIMS)***

**Nonresponsive** Beginning to develop "Records Schedules" to permit ED staff to better understand the 'enterprise lifecycle' of a records. By establishing contacts with the US National Archives and Records Administration, RIMS staff are beginning for the first time to build a solid foundation to create a comprehensive Records Management Program for the Department.

### **People --**

**Nonresponsive**

The award of a performance-based comprehensive Support Services Contract in March 2005 has provided the Department with the keystone for the RIMS programs. For the first time, RIMS has the contractual mechanism to augment current staff with specialized expertise for each program area and to acquire much needed, technical help to evaluate, define requirements, acquire, and implement management information systems. In addition, this vehicle permits RIMS to "reach back" into corporate resources to support staff across ED with subject-matter and technical instruction.

### **Technology --**

There is significant improvement in the understanding and use of the FOIAXpress software to support the FOIA program across the Department. Over the past year, RIMS has used it's Support Services Contract to acquire the support of several staff, including a technical representative of the software development company (AINS) to provide hands-on targeted instruction to ED customers in numerous POCs. In addition, due to concentrated RIMS efforts the Department has been better able to maximize it's use of the technology for evaluation and FOIA processing, including the ability to redact documents.

**Nonresponsive**

In summary, the current state of RIMS is good. The good news is that RIMS is becoming a "go to" organization within the Department. Customer demand and expectations are up and growing.

### **Worksheet 3: GAP ANALYSIS**

Compare your future scenario to your current reality for the Office of Management. What are the gaps between where you want to be and where you are? What goals will you need to set in order to move toward your desired state? Use the guidelines on the following pages to help you develop goals and objectives. Write them in the space below.

The Strategic Investment Process (SIP) has afforded the Department with the opportunity to create and enhance several critical Information Management programs impacting its mission, functions, and image.

As the recommendations become reality, RIMS is establishing a foundation. The implementation of these recommendations are dependent upon a commitment of attention, resources, and assessment. Currently, there do not appear to be any gaps; but there is the possibility of lost opportunities during this critical foundation building stage.

To ensure that RIMS firmly establishes a foundation to meet its Department mission, there are two (2) critical requirements and six (6) areas for continued progress:

#### **Critical Resource Requirements –**

##### **1- Contract Funding: RIMS Support Services Contract**

To compensate for limited staffing commitments following the personnel “Early-Out/Buy-Out” and skills mix requirements, RIMS issued the performance-based Support Services Contract. (b)(5)

##### **2- Personnel: Mid-level FOIA Position**

The current customer demand for expert guidance and processing support regarding FOIA requests and appeals with particular advice on exemptions and redactions requires an additional mid-level staff person (GS-343-9/11).

#### **Continued Progress Opportunities –**

##### **Process:**

- **Awareness and Training Curriculums.** The opportunity to provide awareness and training regarding the RIMS programs directly relates to funding levels for the RIMS Support Services Contract. Principal Offices have expressed an interest in receiving supplemental guidance on FOIA/Privacy related “Intellectual Property” guidance. The contract permits RIMS to “reach back” and bring in a FOIA/Privacy legal expert to provide this guidance/instruction; however, adequate funding is required. In 2005, in response to the Presidential Directive and the Secretary’s request, a FOIA Awareness

training module was developed and provide to ED Headquarters staff. Regional Office training is still pending as well as the development and implementation of informational/training materials. This issue cuts across all RIMS program areas and is directly tied to the available of staff and contract support resources.

- Nonresponsive

**People:**

- Nonresponsive

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**Technology:**

- **Enhance Management Information Support Systems.** It is imperative that Management Information Support Systems be assessed, upgraded, and implemented. (b)(5) If this improved, RIMS will not only have “gaps,” it will be unable to develop meaningful “dashboards” to assess program efficacy. The importance of technology to service Departmental staff in each of the RIMS program areas is essential.
- **Website Assessments and Redevelopment.** Each of the SIP evaluation studies highlighted the importance of using the “web” to offer information to the public (ed.gov) and serve as a resource for staff within ED (ConnectED). Although RIMS does have limited funds available for the revision and development of websites, the RIMS Support Services Contract offers the opportunity to employ “Writer-Editors” to gather subject matter information and develop user-friendly educational components for customers within and outside the Department.

In summation, due to the SIP process RIMS is able to better understand it’s mission and goals and the consequences and risks of not addressing the recommendations.

From: Van Vlandren, Jeanne  
Sent: Friday, April 14, 2006 11:04 AM  
To: 'Pamela.A.Maida@usdoj.gov'  
Cc: 'FOIAreporting@omb.eop.gov'; Clark, Michell; Arrington, Angela; Eiden, Lee; Eitel, Robert S.; Talbert, Kent  
Subject: OMB OGC e-mail to Agency Chief FOIA Officers concerning the President's FOIA EO

Dear Ms. Maida:

In accordance with the President's FOIA Executive Order of December 14, 2005, and the guidance issued by your office and the U.S. Department of Justice, the U.S. Department of Education (the Department) has completed the following activities:

\* Establishment of FOIA Requester Service Center: The Department officially established the Regulatory Information Management Services (RIMS) office as the Department's FOIA Requester Service Center on January 13, 2006 (see attached January 13, 2006, letter to OMB Deputy Director Joel Kaplan).

\* Designation of FOIA Public Liaison: The Department officially designated the Director of RIMS, Jeanne Van Vlandren, as the FOIA Public Liaison on January 13, 2006 (see attached January 13, 2006, letter to OMB Deputy Director Joel Kaplan).

\* Chief FOIA Officer: The Secretary officially designated the Assistant Secretary for Management, Michell Clark, as the Chief FOIA Officer on January 13, 2006 (see attached January 13, 2006, letter to OMB Deputy Director Joel Kaplan). Please note that Mr. Clark's correct email for the DOJ email list is Michell.Clark@ed.gov not Mitchell.Clark.

The Department has posted the contact information for the stated activities at the following URL:  
<http://www.ed.gov/policy/gen/leg/foia/contacts.html>.

If you have additional questions or comments, please contact Angela Arrington, FOIA Officer (202-245-6409/angela.arrington@ed.gov), or myself.

Thank you,

Jeanne Van Vlandren  
Director, Regulatory Information Management Services  
Department of Education/OM  
550 12th St. SW - Room 9149  
Washington, DC 20202  
work (202) 245-6611

-----Original Message-----

From: Stone, Carla B. [mailto:Carla\_B.\_Stone@omb.eop.gov]  
Sent: Thursday, March 30, 2006 11:50 AM  
To: Marilyn.Abbott@usitc.gov; Rbaker@fmshrc.gov; JLBarnes@opm.gov; Steven.Bartholow@rrb.gov; Boling, Edward A.; cbooker@ibb.gob; wbryant@peacecorps.gov; Buffonk@fca.gov; daca@loc.gov; Mitchell.Clark@ed.gov; Maureen.Cooney@hq.dhs.gov; Coulterf@state.gov; Scott.Cragg@va.gov; Jcrumpacker@flra.gov; Suzy.Defrancis@hhs.gov; Lisa.Desoto@ssa.gov; Michael.Discenza@exim.gov; DonaldI@ntsb.gov; Tduncan@fec.gov; Jane.G.Eyre@usps.gov; Sam.Feder@fcc.gov; Afermandez@oshrc.gov; rflahavan@sss.gov; Delorice.Ford@sba.gov; vfortuno@isc.gov; Mfried@fincs.gov; mgarf@opic.gov; mlglynn@oge.gov; Keith\_E\_Gottfried@hud.gov; Hawkins, Donald K.; Hertz.Philip@pbgc.gov; Beverly.Hill@csosa.gov; Johnson@nmb.gov; Jennifer.J.Johnson@frb.gov; Doujones@fdic.gov; Mjordan@usaid.gov; Jurith, Edward H.; William.Kammer@whs.mil; KayeJ@fhfb.gov; Bkearney@nlrb.gov; Keatsc@stb.dot.gov; Levittm@stb.dot.gov; Lindy.Knapp@dot.gov; Ingrid.Kolb@hq.doe.gov; Mark.Lapovsky@ofheo.gov; Tmallon@neh.gov; Mantinijc@mcc.gov; MasonE@arts.gov; Peggy.Mastroianni@eeoc.gov; Robert.McCallum@usdoj.gov;

Stephen.McConnell-1@nasa.gov; nasafoia@nasa.gov; Emcdonnell@osc.gov; MmcKenna@ncva.gov; Joan.Ogbazghi@hq.doe.gov; Uimo@amtrak.com; Sandra.Pack@do.treas.gov; Jpetric@tsp.gov; MJ.Pizzella@gsa.gov; Mpowell@nsf.gov; Kenp@dnfsb.gov; Bentley.Roberts@mspb.gov; Roberts, Keith L.; Lois.Schiffer@hpc.gov; Shapiro-robert@dol.gov; Dshonka@fte.gov; jes@nrc.gov; GaryM.Stern@nara.gov; Tstevenson@cpsc.gov; Suro-Bredie, Carmen; Altj@ucia.gov; Peter.Thomas@usda.gov; Hord\_Tipton@ios.doi.gov; Travers.Linda@epa.gov; ftrinity@cns.gov; Joseph.Valandra@nigc.gov; Vbrakle@finc.gov; Rverreau@iaf.gov; Chris.Warner@csb.gov; Jwebb@cftc.gov; Nweiss@imls.gov; Mark.Whitenton@ferc.gov; Steven.Williams@prc.gov; Tswilliams@tva.gov; Lwilson@jwod.gov; Wintern@sec.gov; wle@doc.gov; Lzak@ustda.gov; Sokul, Stanley S.; Emonroig@usccr.gov  
Cc: Daniel.J.Metcalf@usdoj.gov; pamela.A.Maida@usdoj.gov; Melanie.A.Pustay@usdoj.gov; Michael.Kelly@usda.gov; JSullivan@doc.gov; hayneswj@dodgc.osd.mil; Talbert, Kent; David.Hill@hq.doe.gov; Klee.Ann@epa.gov; David.Trissell@dhs.gov; Phil.Perry@dhs.gov; Paula.Stannard@hhs.gov; Keith\_E\_Gottfried@hud.gov; Paul.D.Clement@usdoj.gov; Radzely-howard@dol.gov; Bellingerjb@state.gov; Jeffrey.Rosen@ost.dot.gov; Arnie.Havens@do.treas.gov; Sheldon.Bradshaw@fda.gov; JohnAR0@ucia.gov; Robert.Gangwere@SBA.gov; Andy.steinberg@faa.gov; tim.mcclain@mail.va.gov; Luczynski, Kimberley S.; Aitken, Steven D.; Schlarman, Glenn R.; Costello, Daniel J.; Yanes, Raul F.  
Subject: OMB OGC e-mail to Agency Chief FOIA Officers concerning the President's FOIA EO

Following up on the President's FOIA EO of December 14, 2005 and guidance issued by OMB on December 30, 2005 (found at: <http://www.whitehouse.gov/omb/memoranda/fy2006/m06-04.pdf>) and by DOJ in January of 2006, we would like to know where agencies are in establishing their FOIA Requester Service Centers and designating their Public Liaisons pursuant to the order.

Please let us know, by April 17, 2006, whether your agency has completed these activities.

\* If your agency has established a FOIA Requester Service Center and designated Public Liaisons, provide your agency's URL address for where your agency has posted this information on its website.

\* If your agency has not yet done so, please let us know your timetable for doing so.

Please provide your information to DOJ at Pamela.A.Maida@usdoj.gov, and send a copy to OMB at FOIAreporting@omb.eop.gov.

Finally, if you would like DOJ or OMB to use a different e-mail address for sending to your agency e-mail messages concerning the FOIA EO, please send the alternative contact information to Pamela.A.Maida@usdoj.gov.

We look forward to hearing from you by April 17, 2006.

Thank you.

Raul Yanes  
General Counsel  
OMB



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF MANAGEMENT

ASSISTANT SECRETARY

**JAN 13 2006**

Mr. Joel D. Kaplan  
Deputy Director  
Office of Management and Budget  
Washington, D.C. 20503

Dear Mr. Kaplan:

In accordance with the President's Executive Order 13392 of December 14, 2005, regarding "Improving Agency Disclosure of Information," the U.S. Department of Education (the Department) is providing the following official responses to the actions required of agencies by the Order:

### **Designation of a Chief FOIA Officer**

Each agency was required by the President's Executive Order to designate a Chief Freedom of Information Act (FOIA) Officer (Assistant Secretary level or equivalent) by January 13, 2006. The Secretary has designated the Assistant Secretary of Management the Department's Chief FOIA Officer. Michell Clark serves as Assistant Secretary of Management (Acting).. We are in the process of posting the designation on our website.

### **Designation of Public Liaisons**

The Chief FOIA Officer is required to designate one or more public liaisons and place the contact information for the public liaisons on the agency's website. The Department's Director of Regulatory Information Management Services (RIMS), Jeanne Van Vlandren, has been performing the duties of the public liaison, and will now carry the official designation. We are in the process of revising the contact information posted on our website.

### **Establishment of a FOIA Requester Service Center**

Each agency was required by OMB to establish one or more FOIA Requester Service Centers and place contact information for the Center on the agency's website. The RIMS office is currently carrying out the functions of the FOIA Requester Service Center. The Department is officially declaring RIMS the FOIA Requester Service Center.

**Completing the Review and Plan, and Reporting**

Each agency was tasked to submit a report by June 14, 2006, containing a summary review of the agency's FOIA operations and to draft a plan for improvement with concrete milestones for Fiscal Year (FY) 2006 and FY 2007. Agencies were also tasked to include information on the agency's performance in meeting the milestones of its FOIA improvement plan in each agency's FY 2006 and FY 2007 FOIA report to the Department of Justice (for FY 2006: due February 1, 2007; and for FY 2007: due February 1, 2008). The Department is looking forward to submitting the required reports in a timely and efficient manner.

If you have any questions or comments regarding our FOIA designations, please contact Jeanne Van Vlandren, Director, Regulatory Information Management Services, at 202-245-6611, or at [Jeanne.Van.Vlandren@cd.gov](mailto:Jeanne.Van.Vlandren@cd.gov).

Sincerely,

A handwritten signature in black ink that reads "Michelle Clark". The signature is fluid and cursive, with the first name "Michelle" and last name "Clark" clearly distinguishable.

Michelle Clark  
Acting Assistant Secretary for Management

From: Van Vlandren, Jeanne  
Sent: Tuesday, April 11, 2006 2:12 PM  
To: Eitel, Robert S.; Wexler, Rob  
Cc: Clark, Michell; Aten, Nina; Arrington, Angela; Eiden, Lee;  
Washington, Tomakie; Talbert, Kent; Haubert, William  
Subject: Re: FOIA Status Report to DOJ

Bob

Thanks for the fast response. We will change the email to use Michell's short title, just ASM. On the attachment I sent we showed the former webpage description and below on the page we show the change in yellow to OM (from OCIO) and clarified the new name "FOIA Requester service Center" So, yes we will make sure all previous references to OCIO are changed to OM and up on the web by this Friday so when we send the report to OMB on Monday all web references will be correct. Thanks

Jeanne

Jeanne Van Vlandren  
Department of Education  
550 12th St. SW - Room 9150  
Washington, DC 20202  
work (202) 245-6611

(b)(6)

-----Original Message-----

From: Eitel, Robert S.  
To: Van Vlandren, Jeanne; Wexler, Rob  
CC: Clark, Michell; Aten, Nina; Arrington, Angela; Eiden, Lee; Washington, Tomakie; Talbert, Kent; Haubert, William  
Sent: Tue Apr 11 13:43:07 2006  
Subject: RE: FOIA Status Report to DOJ

Thanks.

I have only a few points:

Michell serves as Chief FOIA Officer in his capacity as Assistant Secretary of Management, not as Acting CIO.

Also, should the revisions to the website reference RIMS or OM instead of OCIO?

Bob

-----Original Message-----

From: Van Vlandren, Jeanne  
Sent: Tuesday, April 11, 2006 1:34 PM  
To: Eitel, Robert S.; Wexler, Rob  
Cc: Clark, Michell; Aten, Nina; Arrington, Angela; Eiden, Lee;  
Washington, Tomakie; Talbert, Kent; Haubert, William  
Subject: FOIA Status Report to DOJ  
Importance: High

Bob,

Below is the finalized draft e-mail response to DoJ and OMB. Also, I have attached the revisions to the FOIA website that incorporates the FOIA Executive Order changes. We will attach a PDF of the 1/13/06 letter when we send this email to DOJ. If you have questions or comments, please contact me via email or my cell (b)(6) Thanks

(b)(5)

-----Original Message-----

From: Eitel, Robert S.

To: Van Vlandren, Jeanne

CC: Clark, Michell; Talbert, Kent; Haubert, William; Wexler, Rob; Arrington, Angela

Sent: Mon Apr 10 17:46:49 2006

Subject: FOIA Status Report to DOJ

Jeanne:

As you know, DOJ has asked each agency to submit a progress report on its FOIA Executive Order implementation efforts by Monday, April 17, 2006. You no doubt have this effort well in hand for the Department, but if you need assistance from OGC, please tell me as soon as possible. I will be out of the office Thursday, April 13, through Monday, April 17, and Rob Wexler is out this week. Rob will be in the office on Monday should you need for an OGC to address a FOIA related item, and Will Haubert and his team should also be available during this period.

Thanks for your attention to this.

Bob Eitel

Robert S. Eitel  
Office of the General Counsel  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202  
(202) 401-5942 voice  
(202) 205-2689 fax  
(b)(6)  
Email: [robert.eitel@ed.gov](mailto:robert.eitel@ed.gov)

From: Van Vlandren, Jeanne  
Sent: Tuesday, April 11, 2006 1:34 PM  
To: Eitel, Robert S.; Wexler, Rob  
Cc: Clark, Michell; Aten, Nina; Arrington, Angela; Eiden, Lee;  
Washington, Tomakie; Talbert, Kent; Haubert, William  
Subject: FOIA Status Report to DOJ  
Importance: High

Bob,

Below is the finalized draft e-mail response to DoJ and OMB. Also, I have attached the revisions to the FOIA website that incorporates the FOIA Executive Order changes. We will attach a PDF of the 1/13/06 letter when we send this email to DOJ. If you have questions or comments, please contact me via email or my cell (b)(6) Thanks

(b)(5)

-----Original Message-----

From: Eitel, Robert S.  
To: Van Vlandren, Jeanne  
CC: Clark, Michell; Talbert, Kent; Haubert, William; Wexler, Rob; Arrington, Angela  
Sent: Mon Apr 10 17:46:49 2006  
Subject: FOIA Status Report to DOJ

Jeanne:

As you know, DOJ has asked each agency to submit a progress report on its FOIA Executive Order implementation efforts by Monday, April 17, 2006. You no doubt have this effort well in hand for the Department, but if you need assistance from OGC, please tell me as soon as possible. I will be out of the office Thursday, April 13, through Monday, April 17, and Rob Wexler is out this week. Rob will be in the office on Monday should you need for an OGC to address a FOIA related item, and Will Haubert and his team should also be available during this period.

Thanks for your attention to this.

Bob Eitel

Robert S. Eitel  
Office of the General Counsel  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202  
(202) 401-5942 voice  
(202) 205-2689 fax  
(b)(6)  
Email: robert.eitel@ed.gov

## **CURRENT**

### **CONTACTS**

The Office of the Chief Information Officer (OCIO) advises the public and U.S. Department of Education (ED) employees regarding FOIA requests and ED information available to the public. As the lead organization for ED's FOIA Program, OCIO provides training for ED officials and guidance and support to the FOIA Coordinators and FOIA Review Officers in the principal offices and 12 regional and field offices.

U.S. Department of Education  
Office of the Chief Information Officer  
Regulatory Information Management Services  
400 Maryland Avenue, SW, PCP 9142  
Washington, DC 20202-4700  
ATTN: FOIA Officer

**FOIA Officer (OCIO)**  
Jeanne Van Vlandren (202) 245-6651  
Angela Arrington (202) 245-6651

**FOIA Appeals Coordinator (OCIO)**  
Lee Eiden (202) 245-6651

**Privacy Act Officer**  
Jeanne Van Vlandren  
(202) 245-6651

## **PROPOSED (changes in yellow)**

### **CONTACTS**

The Office of Management (OM) advises the public and U.S. Department of Education (ED) employees regarding FOIA requests and ED information available to the public. As the lead organization for ED's FOIA Program, OM provides training for ED officials and guidance and support to the FOIA Coordinators and FOIA Review Officers in the Department's Principal Offices and 12 regional and field offices.

U.S. Department of Education  
Office of Management  
Regulatory Information Management Services  
400 Maryland Avenue, SW, PCP 9142  
Washington, DC 20202-4700  
ATTN: FOIA Officer

**FOIA Requester Service Center:** (202) 245-6651

**FOIA Public Liaison**  
Jeanne Van Vlandren  
(202) 245-6651

**FOIA Officer (OCIO)**  
Jeanne Van Vlandren (202) 245-6651  
Angela Arrington (202) 245-6651

**FOIA Appeals Coordinator (OCIO)**  
Lee Eiden (202) 245-6651

**Privacy Act Officer**  
Jeanne Van Vlandren  
(202) 245-6651

From: Eiden, Lee  
Sent: Tuesday, April 11, 2006 11:25 AM  
To: Van Vlandren, Jeanne  
Cc: Arrington, Angela; Carpentier, Julian  
Subject: RE: FOIA Status Report to DOJ  
Importance: High

Jeanne,

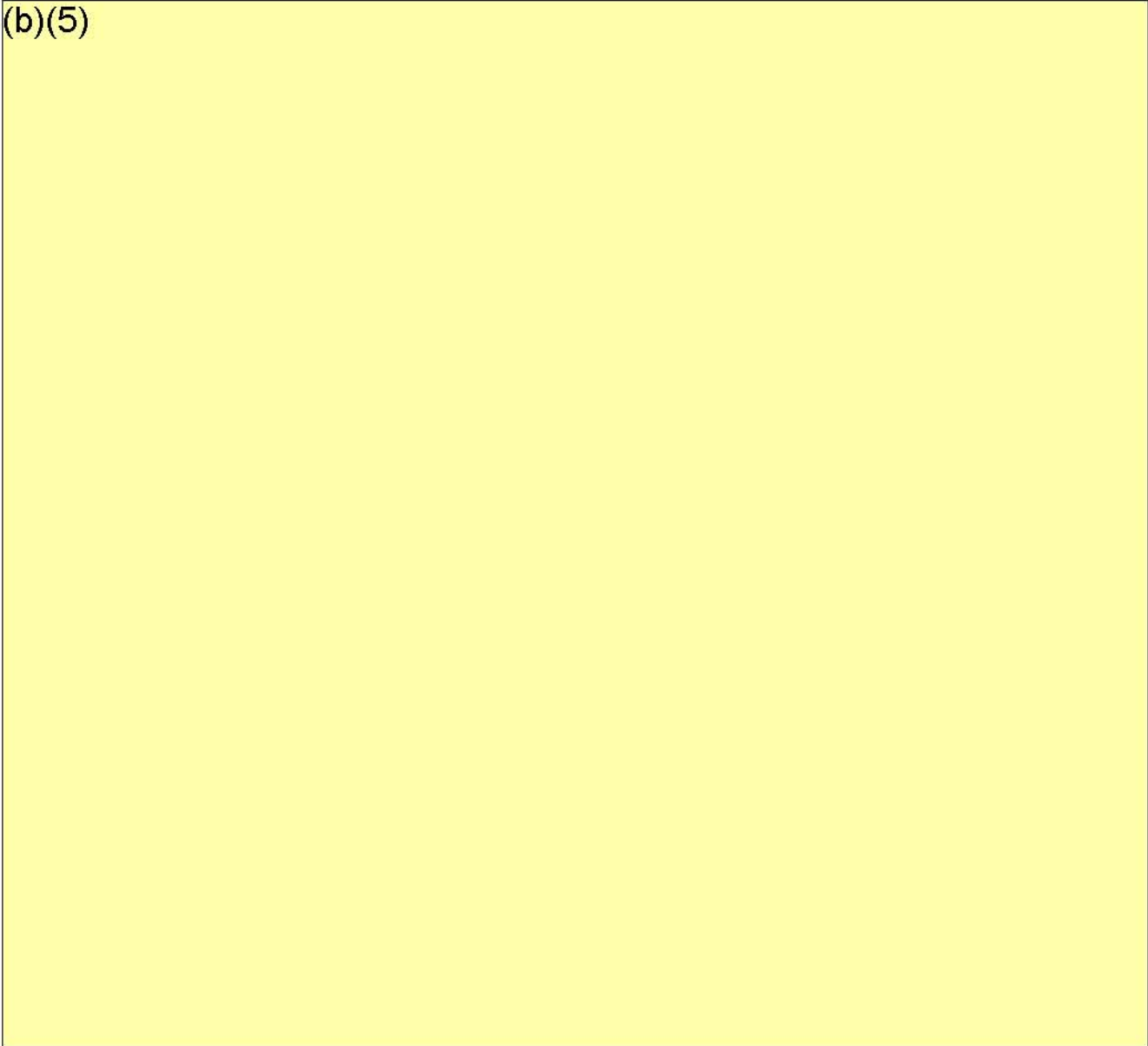
Julian said her was sending you his draft. I have made changes to reflect RIMS change from OCIO to OM below.

Lee

---

Attachment A

(b)(5)



Washington, DC 20202-4700  
ATTN: FOIA Officer

FOIA Requester Service Center: (202) 245-6651

FOIA Public Liaison  
Jeanne Van Vlandren  
(202) 245-6651

FOIA Officer  
Jeanne Van Vlandren (202) 245-6651  
Angela Arrington (202) 245-6651


FOIA Appeals Coordinator  
Lee Eiden (202) 245-6651

Privacy Act Officer  
Jeanne Van Vlandren  
(202) 245-6651

---

Attachment B

(b)(5)



-----Original Message-----

From: Van Vlandren, Jeanne  
Sent: Tuesday, April 11, 2006 10:55 AM  
To: Van Vlandren, Jeanne; Eiden, Lee

Cc: Arrington, Angela  
Subject: Re: FOIA Status Report to DOJ

Please do not send until I review this. Tomakie I called you earlier and since you were not at your desk I left you a voice message. Either email me the text so I can read or let me know if you would prefer to fax and I will get you the fax number here

Jeanne  
Jeanne Van Vlandren  
Department of Education  
550 12th St. SW - Room 9150  
Washington, DC 20202  
work (202) 245-6611

(b)(6)

-----Original Message-----

From: Van Vlandren, Jeanne  
To: Eiden, Lee  
CC: Van Vlandren, Jeanne  
Sent: Tue Apr 11 10:51:31 2006  
Subject: FW: FOIA Status Report to DOJ

Lee in JVV's inbox...looks like MC would like the report reviewed by OGC b4 JVV is back on the 13th

-----Original Message-----

From: Clark, Michell  
Sent: Tuesday, April 11, 2006 10:37 AM  
To: Van Vlandren, Jeanne  
Cc: Aten, Nina  
Subject: RE: FOIA Status Report to DOJ

Jeanne,

Bob and Rob are going to be out from the 13th to the 17th (the day it is due). Can Lee get the report to them before that so they can review it? Thanks.

Make it a Great Day!!

Michell Clark  
Assistant Secretary for Management and Acting CIO  
Department of Education  
400 Maryland Ave., S.W.  
Washington, D.C. 20202  
(202) 260-7337

-----Original Message-----

From: Van Vlandren, Jeanne  
Sent: Tuesday, April 11, 2006 10:30 AM  
To: Eitel, Robert S.  
Cc: Clark, Michell; Talbert, Kent; Haubert, William; Wexler, Rob;  
Arrington, Angela  
Subject: Re: FOIA Status Report to DOJ

Bob

This report is in process and we are in good shape. I am back in the office on Thursday and will send a our final draft to OGC by cob on the 13th. Thanks

Jeanne Van Vlandren

Department of Education

550 12th St. SW - Room 9150

Washington, DC 20202

work (202) 245-6611

(b)(6)

-----Original Message-----

From: Eitel, Robert S.

To: Van Vlandren, Jeanne

CC: Clark, Michell; Talbert, Kent; Haubert, William; Wexler, Rob; Arrington, Angela

Sent: Mon Apr 10 17:46:49 2006

Subject: FOIA Status Report to DOJ

Jeanne:

As you know, DOJ has asked each agency to submit a progress report on its FOIA Executive Order implementation efforts by Monday, April 17, 2006. You no doubt have this effort well in hand for the Department, but if you need assistance from OGC, please tell me as soon as possible. I will be out of the office Thursday, April 13, through Monday, April 17, and Rob Wexler is out this week. Rob will be in the office on Monday should you need for an OGC to address a FOIA related item, and Will Haubert and his team should also be available during this period.

Thanks for your attention to this.

Bob Eitel

Robert S. Eitel

Office of the General Counsel

U.S. Department of Education

400 Maryland Avenue, S.W.

Washington, D.C. 20202

(202) 401-5942 voice

(202) 205-2689 fax

(b)(6)

Email: robert.eitel@ed.gov

From: Mladina, Suzana  
Sent: Tuesday, April 04, 2006 9:52 AM  
To: Carpentier, Julian  
Cc: Washington, Tomakie  
Subject: RE: Exec Order language for DoA

Julian,

Thanks fore the info!

:)

-----Original Message-----

From: Carpentier, Julian  
Sent: Tuesday, April 04, 2006 9:50 AM  
To: Mladina, Suzana  
Cc: Washington, Tomakie  
Subject: RE: Exec Order language for DoA

Here you go:

<< File: Proposed Delegation Language.FOIAEO.doc >>

-----Original Message-----

From: Mladina, Suzana  
Sent: Tuesday, April 04, 2006 8:51 AM  
To: Washington, Tomakie; Carpentier, Julian  
Subject: Exec Order language for DoA

Hi Tomakie and Julian,

If you could provide me with FOIA exec order language samples, I would appreciate it. If you have the info electronically, even better.

Thanks,  
Suzana

From: Mladina, Suzana  
Sent: Tuesday, April 04, 2006 9:52 AM  
To: Washington, Tomakie; Carpentier, Julian  
Subject: RE: Exec Order language for DoA

Tomakie,

Thanks for the info - Lee and I are going to meet later this PM to discuss how and what part of the EO language will fit into the DoA. Once I know, I'll let you know.

Suzi

-----Original Message-----

From: Washington, Tomakie  
Sent: Tuesday, April 04, 2006 9:49 AM  
To: Mladina, Suzana; Carpentier, Julian  
Subject: RE: Exec Order language for DoA

Hey Suzi,  
in looking over the DoA I'm not sure where any additional Exec Order language would go...did you interpret from Jeanne how much more specific it should be? In the order there is a large section regarding the service center (attached)...???

<< File: Exec Order Service Ctr.doc >>

-----Original Message-----

From: Mladina, Suzana  
Sent: Tuesday, April 04, 2006 8:51 AM  
To: Washington, Tomakie; Carpentier, Julian  
Subject: Exec Order language for DoA

Hi Tomakie and Julian,

If you could provide me with FOIA exec order language samples, I would appreciate it. If you have the info electronically, even better.

Thanks,  
Suzana

From: Washington, Tomakie  
Sent: Tuesday, April 04, 2006 9:49 AM  
To: Mladina, Suzana; Carpentier, Julian  
Subject: RE: Exec Order language for DoA

Hey Suzi,  
in looking over the DoA I'm not sure where any additional Exec Order language would go...did you interpret from Jeanne how much more specific it should be? In the order there is a large section regarding the service center (attached)...???

-----Original Message-----

From: Mladina, Suzana  
Sent: Tuesday, April 04, 2006 8:51 AM  
To: Washington, Tomakie; Carpentier, Julian  
Subject: Exec Order language for DoA

Hi Tomakie and Julian,

If you could provide me with FOIA exec order language samples, I would appreciate it. If you have the info electronically, even better.

Thanks,  
Suzana

From: Carpentier, Julian  
Sent: Monday, April 03, 2006 3:39 PM  
To: Van Vlandren, Jeanne; Arrington, Angela; Eiden, Lee  
Cc: Washington, Tomakie; Valentine, Stephanie  
Subject: RE: OMB OGC e-mail to Agency Chief FOIA Officers concerning the President's FOIA EO

Jeanne/Lee/Angela:

Attached is the draft e-mail response to DoJ regarding the FOIA Executive Order. I've also attached proposed changes to the ed.gov site that only reflect actions required by the OMB e-mail. Once the proposed changes to the website have been approved and implemented, we can submit the response to DoJ (with a copy to OMB). Please let me know if you have questions. Thanks.

Julian

-----Original Message-----

From: Van Vlandren, Jeanne  
Sent: Friday, March 31, 2006 2:11 PM  
To: Arrington, Angela; Eiden, Lee; Carpentier, Julian; Washington, Tomakie  
Subject: FW: OMB OGC e-mail to Agency Chief FOIA Officers concerning the President's FOIA EO

Julian \Please draft response for me Thanks

-----Original Message-----

From: Clark, Michell  
Sent: Thursday, March 30, 2006 12:47 PM  
To: Van Vlandren, Jeanne  
Cc: Eitel, Robert S.; Talbert, Kent  
Subject: RE: OMB OGC e-mail to Agency Chief FOIA Officers concerning the President's FOIA EO

Jeanne,

Please take the lead on preparing our response. Thanks.

Make it a Great Day!!

Michell Clark  
Assistant Secretary for Management and Acting CIO  
Department of Education  
400 Maryland Ave., S.W.  
Washington, D.C. 20202  
(202) 260-7337

-----Original Message-----

From: Eitel, Robert S.  
Sent: Thursday, March 30, 2006 12:15 PM  
To: Talbert, Kent; Clark, Michell  
Cc: Van Vlandren, Jeanne  
Subject: RE: OMB OGC e-mail to Agency Chief FOIA Officers concerning the President's FOIA EO

Kent:

I believe that OM/RIMS has already accomplished these goals, and I think that Michell and Jeanne need only prepare a report to provide to DOJ by April 17.

Michell and Jeanne, please tell me how I can help.

Thanks.

Bob Eitel

-----Original Message-----

From: Talbert, Kent

Sent: Thursday, March 30, 2006 12:11 PM

To: Eitel, Robert S.; Clark, Michell

Subject: FW: OMB OGC e-mail to Agency Chief FOIA Officers concerning the President's FOIA EO

Gents, for your perusal and response.

Kent

-----Original Message-----

From: Stone, Carla B. [mailto:Carla\_B.\_Stone@omb.eop.gov]

Sent: Thursday, March 30, 2006 11:50 AM

To: Marilyn.Abbott@usitc.gov; Rbaker@fmshrc.gov; JLBarnes@opm.gov; Steven.Bartholow@rrb.gov; Boling, Edward A.; cbooker@ibb.gob; wbryant@peacecorps.gov; Buffonk@fca.gov; daca@loc.gov; Mitchell.Clark@ed.gov; Maureen.Cooney@hq.dhs.gov; Coulterf@state.gov; Scott.Cragg@va.gov; Jcrumpacker@flra.gov; Suzy.Defrancis@hhs.gov; Lisa.Desoto@ssa.gov; Michael.Discenza@exim.gov; DonaldI@ntsb.gov; Tduncan@fec.gov; Jane.G.Eyre@usps.gov; Sam.Feder@fcc.gov; Afermandez@oshrc.gov; rflahavan@sss.gov; Delorice.Ford@sba.gov; vfortuno@isc.gov; Mfried@fms.gov; mgarf@opic.gov; mlglynn@oge.gov; Keith\_E\_Gottfried@hud.gov; Hawkins, Donald K.; Hertz.Philip@pbgc.gov; Beverly.Hill@csosa.gov; Johnson@nmb.gov; Jennifer.J.Johnson@frb.gov; Doujones@fdic.gov; Mjordan@usaid.gov; Jurith, Edward H.; William.Kammer@whs.mil; KayeJ@fhfb.gov; Bkearney@nlrb.gov; Keatsc@stb.dot.gov; Levittm@stb.dot.gov; Lindy.Knapp@dot.gov; Ingrid.Kolb@hq.doe.gov; Mark.Laponsky@ofheo.gov; Tmallon@neh.gov; Mantinijc@mcc.gov; MasonE@arts.gov; Peggy.Mastroianni@eeoc.gov; Robert.McCallum@usdoj.gov; Stephen.McConnell-1@nasa.gov; nasafoia@nasa.gov; Emcdonnell@osc.gov; MmcKenna@ncva.gov; Joan.Ogbazghi@hq.doe.gov; Uimo@amtrak.com; Sandra.Pack@do.treas.gov; Jpetric@tsp.gov; MJ.Pizzella@gsa.gov; Mpowell@nsf.gov; Kenp@dnfsb.gov; Bentley.Roberts@mspb.gov; Roberts, Keith L.; Lois.Schiffer@hrcp.gov; Shapiro-robert@dol.gov; Dshonka@fte.gov; jes@nrc.gov; GaryM.Stern@nara.gov; Tstevenson@cpsc.gov; Suro-Bredie, Carmen; Altj@ucia.gov; Peter.Thomas@usda.gov; Hord\_Tipton@ios.doi.gov; Travers.Linda@epa.gov; ftrinity@cns.gov; Joseph.Valandra@nigc.gov; Vbrakle@fmc.gov; Rverreau@iaf.gov; Chris.Warner@csb.gov; Jwebb@cftc.gov; Nweiss@imls.gov; Mark.Whitenton@ferc.gov; Steven.Williams@prc.gov; Tswilliams@tva.gov; Lwilson@jwod.gov; Wintem@sec.gov; wle@doc.gov; Lzak@ustda.gov; Sokul, Stanley S.; Emonroig@usccr.gov  
Cc: Daniel.J.Metcalf@usdoj.gov; pamela.A.Maida@usdoj.gov; Melanie.A.Pustay@usdoj.gov; Michael.Kelly@usda.gov; JSullivan@doc.gov; hayneswj@dodgc.osd.mil; Talbert, Kent; David.Hill@hq.doe.gov; Klee.Ann@epa.gov; David.Trissell@dhs.gov; Phil.Perry@dhs.gov; Paula.Stannard@hhs.gov; Keith\_E\_Gottfried@hud.gov; Paul.D.Clement@usdoj.gov; Radzely-howard@dol.gov; Bellingerjb@state.gov; Jeffrey.Rosen@ost.dot.gov; Arnie.Havens@do.treas.gov; Sheldon.Bradshaw@fda.gov; JohnAR0@ucia.gov; Robert.Gangwere@SBA.gov; Andy.steinberg@faa.gov; tim.mcclain@mail.va.gov; Luczynski, Kimberley S.; Aitken, Steven D.; Schlarman, Glenn R.; Costello, Daniel J.; Yanes, Raul F.

Subject: OMB OGC e-mail to Agency Chief FOIA Officers concerning the President's FOIA EO

Following up on the President's FOIA EO of December 14, 2005 and guidance issued by OMB on December 30, 2005 (found at: <http://www.whitehouse.gov/omb/memoranda/fy2006/m06-04.pdf>) and by DOJ in January of 2006, we would like to know where agencies are in establishing their FOIA Requester Service Centers and designating their Public Liaisons pursuant to the order.

Please let us know, by April 17, 2006, whether your agency has completed these activities.

\* If your agency has established a FOIA Requester Service Center and designated Public Liaisons, provide your agency's URL address for where your agency has posted this information on its website.

\* If your agency has not yet done so, please let us know your timetable for doing so.

Please provide your information to DOJ at [Pamela.A.Maida@usdoj.gov](mailto:Pamela.A.Maida@usdoj.gov), and send a copy to OMB at [FOIAreporting@omb.eop.gov](mailto:FOIAreporting@omb.eop.gov).

Finally, if you would like DOJ or OMB to use a different e-mail address for sending to your agency e-mail messages concerning the FOIA EO, please send the alternative contact information to [Pamela.A.Maida@usdoj.gov](mailto:Pamela.A.Maida@usdoj.gov).

We look forward to hearing from you by April 17, 2006.

Thank you.

Raul Yanes  
General Counsel  
OMB

## **CURRENT**

### **CONTACTS**

The Office of the Chief Information Officer (OCIO) advises the public and U.S. Department of Education (ED) employees regarding FOIA requests and ED information available to the public. As the lead organization for ED's FOIA Program, OCIO provides training for ED officials and guidance and support to the FOIA Coordinators and FOIA Review Officers in the principal offices and 12 regional and field offices.

U.S. Department of Education  
Office of the Chief Information Officer  
Regulatory Information Management Services  
400 Maryland Avenue, SW, PCP 9142  
Washington, DC 20202-4700  
ATTN: FOIA Officer

**FOIA Officer (OCIO)**  
Jeanne Van Vlandren (202) 245-6651  
Angela Arrington (202) 245-6651

**FOIA Appeals Coordinator (OCIO)**  
Lee Eiden (202) 245-6651

**Privacy Act Officer**  
Jeanne Van Vlandren  
(202) 245-6651

## **PROPOSED (changes in yellow)**

### **CONTACTS**

The Office of the Chief Information Officer (OCIO) advises the public and U.S. Department of Education (ED) employees regarding FOIA requests and ED information available to the public. As the lead organization for ED's FOIA Program, OCIO provides training for ED officials and guidance and support to the FOIA Coordinators and FOIA Review Officers in the principal offices and 12 regional and field offices.

U.S. Department of Education  
Office of the Chief Information Officer  
Regulatory Information Management Services  
400 Maryland Avenue, SW, PCP 9142  
Washington, DC 20202-4700  
ATTN: FOIA Officer

**FOIA Requester Service Center:** (202) 245-6651

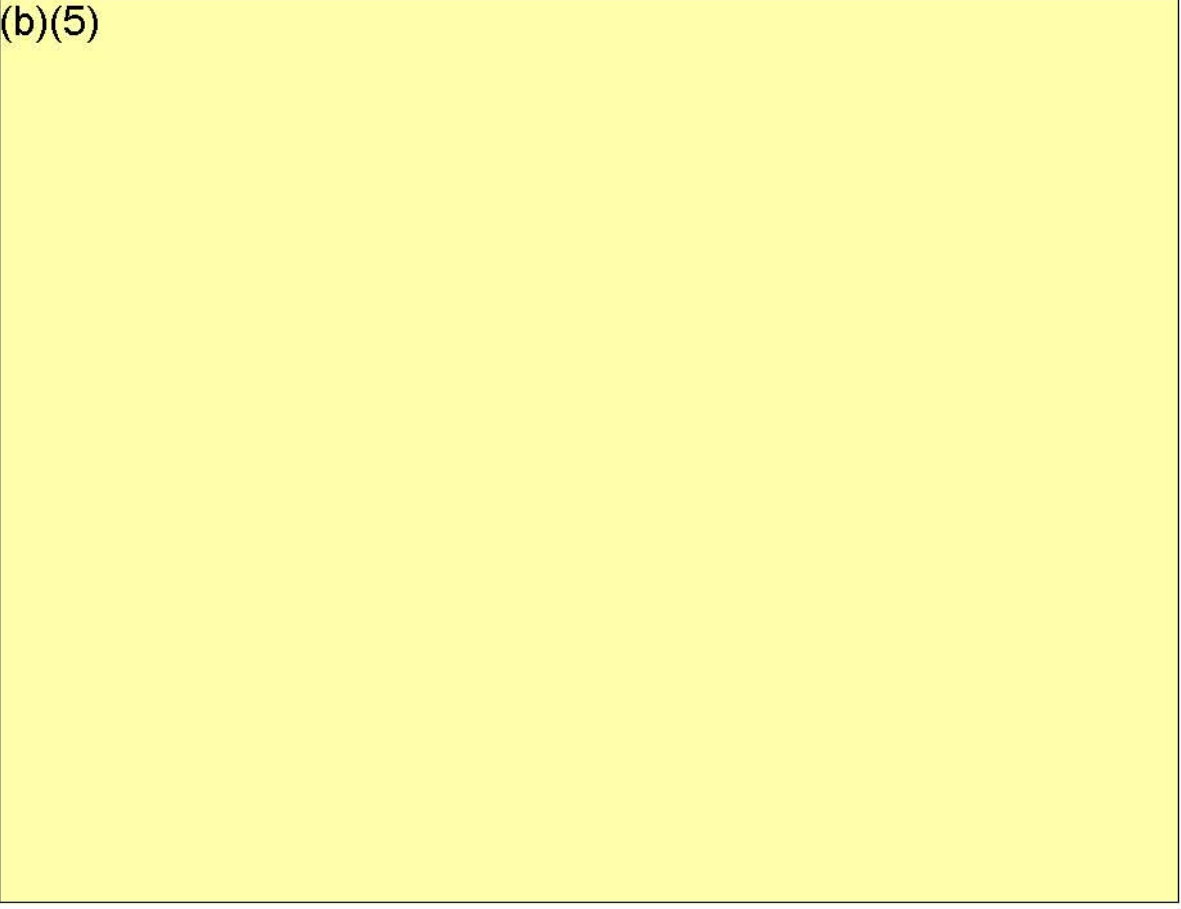
**FOIA Public Liaison**  
Jeanne Van Vlandren  
(202) 245-6651

**FOIA Officer (OCIO)**  
Jeanne Van Vlandren (202) 245-6651  
Angela Arrington (202) 245-6651

**FOIA Appeals Coordinator (OCIO)**  
Lee Eiden (202) 245-6651

**Privacy Act Officer**  
Jeanne Van Vlandren  
(202) 245-6651

(b)(5)



Gents, for your perusal and response.

Kent

-----Original Message-----

From: Stone, Carla B. [mailto:Carla\_B\_Stone@omb.eop.gov]

Sent: Thursday, March 30, 2006 11:50 AM

To: Marilyn.Abbott@usitc.gov; Rbaker@fmshrc.gov; JLBarnes@opm.gov; Steven.Bartholow@rrb.gov; Boling, Edward A.; cbooker@ibb.gob; wbryant@peacecorps.gov; Buffonk@fca.gov; daca@loc.gov; Mitchell.Clark@ed.gov; Maureen.Cooney@hq.dhs.gov; Coulterf@state.gov; Scott.Cragg@va.gov; Jcrumpacker@flra.gov; Suzy.Defrancis@hhs.gov; Lisa.Desoto@ssa.gov; Michael.Discenza@exim.gov; Donaldl@ntsb.gov; Tduncan@fec.gov; Jane.G.Eyre@usps.gov; Sam.Feder@fcc.gov; Afermandez@oshrc.gov; rflahavan@sss.gov; Delorice.Ford@sba.gov; vfortuno@isc.gov; Mfried@fncs.gov; mgarf@opic.gov; mlglynn@oge.gov; Keith\_E\_Gottfried@hud.gov; Hawkins, Donald K.; Hertz.Philip@pbgc.gov; Beverly.Hill@csosa.gov; Johnson@nmb.gov; Jennifer.J.Johnson@frb.gov; Doujones@fdic.gov; Mjordan@usaid.gov; Jurith, Edward H.; William.Kammer@whs.mil; KayeJ@fhfb.gov; Bkearney@nlrb.gov; Keatsc@stb.dot.gov; Levittm@stb.dot.gov; Lindy.Knapp@dot.gov; Ingrid.Kolb@hq.doe.gov; Mark.Lapovsky@ofheo.gov; Tmallon@neh.gov; Mantinijc@mcc.gov; MasonE@arts.gov; Peggy.Mastroianni@eeoc.gov; Robert.McCallum@usdoj.gov; Stephen.McConnell-1@nasa.gov; nasafoia@nasa.gov; Emcdonnell@osc.gov; MmcKenna@ncva.gov; Joan.Ogbazghi@hq.doe.gov; Uimo@amtrak.com; Sandra.Pack@do.treas.gov; Jpetric@tsp.gov; MJ.Pizzella@gsa.gov; Mpowell@nsf.gov; Kenp@dnfsb.gov; Bentley.Roberts@mspb.gov; Roberts, Keith L.; Lois.Schiffer@hpc.gov; Shapiro-robert@dol.gov; Dshonka@fte.gov; jes@nrc.gov; GaryM.Stern@nara.gov; Tstevenson@cpsc.gov; Suro-Bredie, Carmen; Altj@ucia.gov; Peter.Thomas@usda.gov; Hord\_Tipton@ios.doi.gov; Travers.Linda@epa.gov; ftrinity@cns.gov; Joseph.Valandra@nigc.gov; Vbrakle@fmc.gov; Rverreau@iaf.gov; Chris.Warner@csb.gov; Jwebb@cftc.gov; Nweiss@imls.gov; Mark.Whitenton@ferc.gov; Steven.Williams@prc.gov; Tswilliams@tva.gov; Lwilson@jwod.gov; Wintenn@sec.gov; wle@doc.gov; Lzak@ustda.gov; Sokul, Stanley S.; Emonroig@usccr.gov  
Cc: Daniel.J.Metcalf@usdoj.gov; pamelaa.A.Maida@usdoj.gov; Melanie.A.Pustay@usdoj.gov; Michael.Kelly@usda.gov; JSullivan@doc.gov; hayneswj@dodgc.osd.mil; Talbert, Kent; David.Hill@hq.doe.gov; Klee.Ann@epa.gov; David.Trissell@dhs.gov; Phil.Perry@dhs.gov; Paula.Stannard@hhs.gov; Keith\_E\_Gottfried@hud.gov; Paul.D.Clement@usdoj.gov; Radzely-howard@dol.gov; Bellingerjb@state.gov; Jeffrey.Rosen@ost.dot.gov; Arnie.Havens@do.treas.gov; Sheldon.Bradshaw@fda.gov; JohnAR0@ucia.gov; Robert.Gangwere@SBA.gov; Andy.steinberg@faa.gov; tim.mcclain@mail.va.gov; Luczynski, Kimberley S.; Aitken, Steven D.; Schlarman, Glenn R.; Costello, Daniel J.; Yanes, Raul F.  
Subject: OMB OGC e-mail to Agency Chief FOIA Officers concerning the President's FOIA EO

Following up on the President's FOIA EO of December 14, 2005 and guidance issued by OMB on December 30, 2005 (found at: <http://www.whitehouse.gov/omb/memoranda/fy2006/m06-04.pdf>) and by DOJ in January of 2006, we would like to know where agencies are in establishing their FOIA Requester Service Centers and designating their Public Liaisons pursuant to the order.

Please let us know, by April 17, 2006, whether your agency has completed these activities.

\* If your agency has established a FOIA Requester Service Center and designated Public Liaisons, provide your agency's URL address for where your agency has posted this information on its website.

\* If your agency has not yet done so, please let us know your timetable for doing so.

From: Van Vlandren, Jeanne  
Sent: Friday, March 31, 2006 3:11 PM  
To: Arrington, Angela; Eiden, Lee; Carpentier, Julian; Washington, Tomakie  
Subject: FW: OMB OGC e-mail to Agency Chief FOIA Officers concerning the President's FOIA EO

Julian \Please draft response for me Thanks

-----Original Message-----

From: Clark, Michell  
Sent: Thursday, March 30, 2006 12:47 PM  
To: Van Vlandren, Jeanne  
Cc: Eitel, Robert S.; Talbert, Kent  
Subject: RE: OMB OGC e-mail to Agency Chief FOIA Officers concerning the President's FOIA EO

Jeanne,

Please take the lead on preparing our response. Thanks.

Make it a Great Day!!

Michell Clark  
Assistant Secretary for Management and Acting CIO  
Department of Education  
400 Maryland Ave., S.W.  
Washington, D.C. 20202  
(202) 260-7337

-----Original Message-----

From: Eitel, Robert S.  
Sent: Thursday, March 30, 2006 12:15 PM  
To: Talbert, Kent; Clark, Michell  
Cc: Van Vlandren, Jeanne  
Subject: RE: OMB OGC e-mail to Agency Chief FOIA Officers concerning the President's FOIA EO

Kent:

I believe that OM/RIMS has already accomplished these goals, and I think that Michell and Jeanne need only prepare a report to provide to DOJ by April 17.

Michell and Jeanne, please tell me how I can help.

Thanks.

Bob Eitel

-----Original Message-----

From: Talbert, Kent  
Sent: Thursday, March 30, 2006 12:11 PM  
To: Eitel, Robert S.; Clark, Michell  
Subject: FW: OMB OGC e-mail to Agency Chief FOIA Officers concerning the President's FOIA EO

Please provide your information to DOJ at Pamela.A.Maida@usdoj.gov, and send a copy to OMB at FOIAreporting@omb.eop.gov.

Finally, if you would like DOJ or OMB to use a different e-mail address for sending to your agency e-mail messages concerning the FOIA EO, please send the alternative contact information to Pamela.A.Maida@usdoj.gov.

We look forward to hearing from you by April 17, 2006.

Thank you.

Raul Yanes  
General Counsel  
OMB

From: Rudolph, Kim  
Sent: Friday, January 13, 2006 4:24 PM  
To: 'Pamela.A.Maida@USDOJ.GOV'; 'FOIAreporting@omb.eop.gov'  
Cc: Clark, Michell; Eitel, Robert S.; Van Vlandren, Jeanne  
Subject: Letter to Mr. Joel D. Kaplan

Enclosed please find the pdf. version of the letter to Mr. Joel D. Kaplan regarding the implementation of the President's Executive Order "Improving Agency Disclosure of Information".

Sincerely,

Kimberly Rudolph  
IC Docket Manager  
RIMS/OCIO  
From: Carpentier, Julian  
Sent: Wednesday, September 26, 2007 2:10 PM  
To: Kendrick, Tony (Contractor)  
Subject: FW: FOIA Designation Letter

-----Original Message-----

From: Van Vlandren, Jeanne  
Sent: Friday, January 13, 2006 1:24 PM  
To: Eitel, Robert S.  
Cc: Rudolph, Kim  
Subject: RE: FOIA Designation Letter

Bob

Thank you for the edits. We will make the changes and distribute the signed memo as indicated. Hope you enjoy the long weekend!

Jeanne

-----Original Message-----

From: Eitel, Robert S.  
Sent: Friday, January 13, 2006 1:21 PM  
To: Van Vlandren, Jeanne  
Subject: FOIA Designation Letter

Jeanne:

I have attached my red-lined revisions. Please call with any questions. I have a meeting at HHS at 2 and will be out of the office for several hours.

Per Kaplan's memo, please also email the designation information to DOJ at Pamela.A.Maida@USDOJ.GOV and send a copy to OMB at FOIAreporting@omb.eop.gov.

<< File: DRAFT--Response to OMB.FOIA EO Designations1.doc >>

Robert S. Eitel  
Office of the General Counsel  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202  
(202) 401-5942 voice  
(202) 205-2689 fax  
(b)(6)  
Email: [robert.eitel@ed.gov](mailto:robert.eitel@ed.gov)



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF MANAGEMENT

ASSISTANT SECRETARY

**JAN 13 2006**

Mr. Joel D. Kaplan  
Deputy Director  
Office of Management and Budget  
Washington, D.C. 20503

Dear Mr. Kaplan:

In accordance with the President's Executive Order 13392 of December 14, 2005, regarding "Improving Agency Disclosure of Information," the U.S. Department of Education (the Department) is providing the following official responses to the actions required of agencies by the Order:

### **Designation of a Chief FOIA Officer**

Each agency was required by the President's Executive Order to designate a Chief Freedom of Information Act (FOIA) Officer (Assistant Secretary level or equivalent) by January 13, 2006. The Secretary has designated the Assistant Secretary of Management the Department's Chief FOIA Officer. Michell Clark serves as Assistant Secretary of Management (Acting).. We are in the process of posting the designation on our website.

### **Designation of Public Liaisons**

The Chief FOIA Officer is required to designate one or more public liaisons and place the contact information for the public liaisons on the agency's website. The Department's Director of Regulatory Information Management Services (RIMS), Jeanne Van Vlandren, has been performing the duties of the public liaison, and will now carry the official designation. We are in the process of revising the contact information posted on our website.

### **Establishment of a FOIA Requester Service Center**

Each agency was required by OMB to establish one or more FOIA Requester Service Centers and place contact information for the Center on the agency's website. The RIMS office is currently carrying out the functions of the FOIA Requester Service Center. The Department is officially declaring RIMS the FOIA Requester Service Center.

**Completing the Review and Plan, and Reporting**

Each agency was tasked to submit a report by June 14, 2006, containing a summary review of the agency's FOIA operations and to draft a plan for improvement with concrete milestones for Fiscal Year (FY) 2006 and FY 2007. Agencies were also tasked to include information on the agency's performance in meeting the milestones of its FOIA improvement plan in each agency's FY 2006 and FY 2007 FOIA report to the Department of Justice (for FY 2006: due February 1, 2007; and for FY 2007: due February 1, 2008). The Department is looking forward to submitting the required reports in a timely and efficient manner.

If you have any questions or comments regarding our FOIA designations, please contact Jeanne Van Vlandren, Director, Regulatory Information Management Services, at 202-245-6611, or at [Jeanne.Van.Vlandren@cd.gov](mailto:Jeanne.Van.Vlandren@cd.gov).

Sincerely,

A handwritten signature in black ink that reads "Michelle Clark". The signature is fluid and cursive, with the first name "Michelle" and last name "Clark" clearly distinguishable.

Michelle Clark  
Acting Assistant Secretary for Management

From: Van Vlandren, Jeanne  
Sent: Friday, January 13, 2006 10:09 AM  
To: Eitel, Robert S.  
Subject: Response to OMB FOIA Exec Order Guidance  
Importance: High

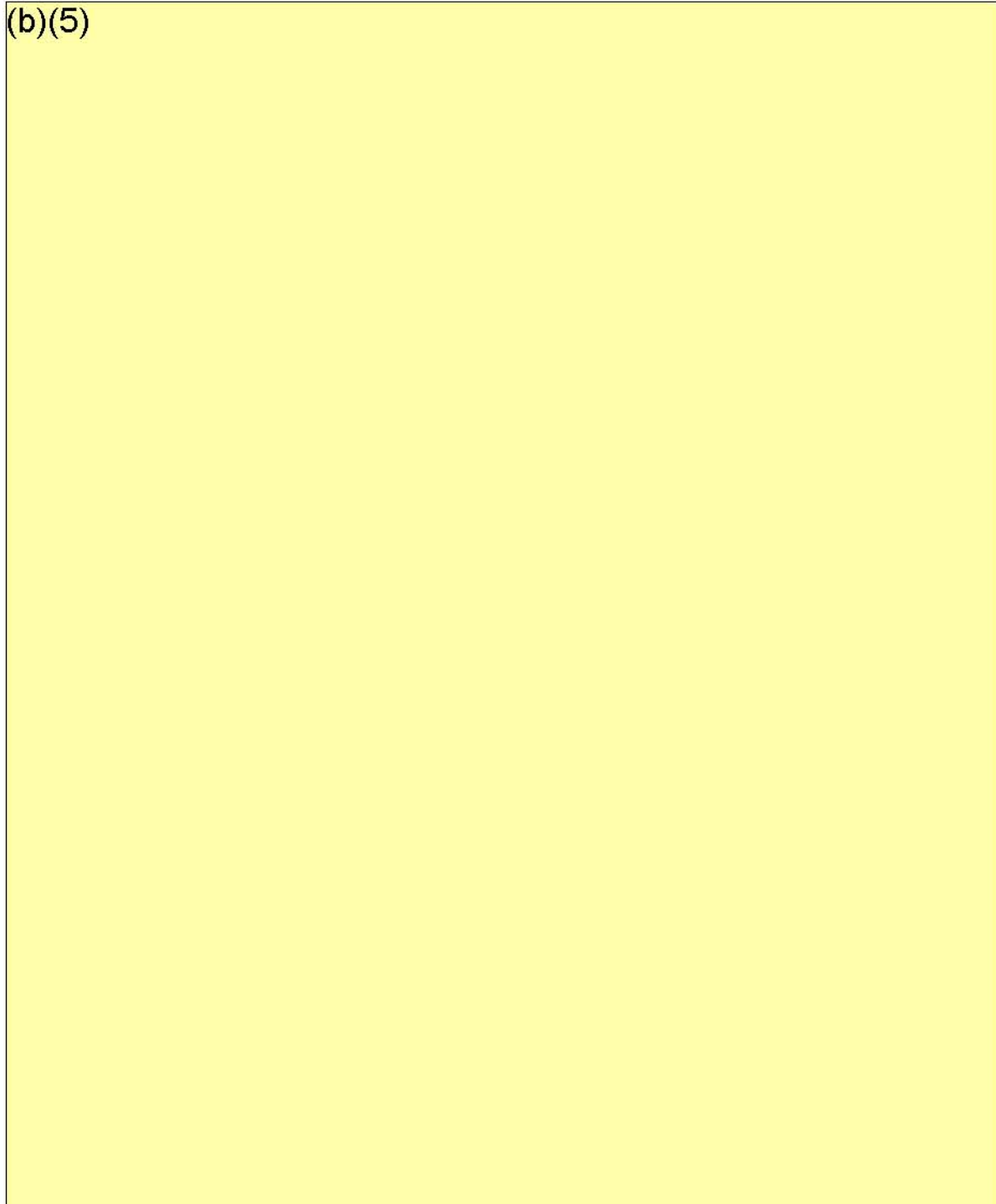
Bob,  
Here is the electronic version. Once you have made your changes, just send the draft back to me and we will be pleased to put the letter in final form for Michell's signature. Thank you  
Jeanne

Mr. Joel D. Kaplan  
Deputy Director  
Office of Management and Budget  
Washington, D.C. 20503

DRAFT

Dear Mr. Kaplan:

(b)(5)



(b)(5) February 1, 2008). The Department is looking forward to submitting the required reports in a timely and efficient manner.

If you have any questions or comments regarding our FOIA designations, please contact Jeanne Van Vlandren, Director, Regulatory Information Management Services, at 202-245-6611, or at [Jeanne.Van.Vlandren@ed.gov](mailto:Jeanne.Van.Vlandren@ed.gov).

Sincerely,

Michell Clark  
Acting Assistant Secretary for  
Management/Acting Chief Information  
Officer

From: Eiden, Lee  
Sent: Thursday, January 05, 2006 2:59 PM  
To: Carpentier, Julian  
Subject: side by side  
Importance: High

**SIDE-BY-SIDE**

**Executive Order: Improving Access to Discovered Electronic Information (12-15-2005)**

(b)(5)

Status	Executive Order	
YELLOW	<p><b>“Section 1. Policy:</b> Agencies shall process requests under the FOIA (Freedom of Information Act) in an efficient and appropriate manner and shall implement measurable improvement in processing.”</p>	<p><b>5) FOIA</b></p> <p>provides ED with the necessary information in a manner that is consistent with the activities.</p> <p>However, FOIA does not require the release of any information. The Chief of the Program on training and</p>
GREEN	<p><b>“Section 2. Agency Chief Officers:</b></p> <ul style="list-style-type: none"> <li>The head of each agency shall submit a report within 30 days of the release of this Order. <b>(DUE DATE: 1/13/06)</b></li> <li>official of such agency shall be the Secretary or equivalent, or the Chief FOIA Officer.</li> </ul>	<p>for the release of information, Mitchell Clark, as the organizational structure of the Services Director,</p>
GREEN	<ul style="list-style-type: none"> <li>“The Chief FOIA Officer shall be responsible for the agency-wide response and appropriate coordination of the FOIA.”</li> </ul>	<p>designated by the</p>

**SIDE-BY-SIDE**

**Executive Order: Improving Agency Disclosure of Information (12.15.2005)  
and Department of Education (ED)**

(b)(5)

Status	Executive Order	ED Status (As of January 5, 2006)
<b>GREEN</b>	<ul style="list-style-type: none"> <li>“The Chief FOIA Officer shall monitor FOIA implementation throughout the agency, and keep the head of the agency, the chief legal officer of the agency, and the Attorney General appropriately informed of the agency’s performance in implementing the FOIA.”</li> </ul>	<p>The ASM/CIO, working with the Chief of Staff (CoS), defined the CoS role in monitoring the FOIA implementation throughout the agency.</p> <p><b><u>FOIA ACS Directive [VI.B.]:</u></b> The FOIA Officers provide Department-wide oversight for the management and implementation of the FOIA.</p> <p><b><u>FOIA ACS Directive [VI.G.]:</u></b> The Department submits the FOIA Annual Report to the Department of Justice (DoJ) <b>on or before February 1 each year.</b></p> <p><b><u>Status:</u></b> Done.</p>
<b>YELLOW</b>	<ul style="list-style-type: none"> <li>“The Chief FOIA Officer shall recommend to the head of the agency such adjustments to agency practices, policies, personnel, and funding as may be necessary to carry out the policy as set forth in this Executive Order.”</li> </ul>	<p><b><u>FOIA ACS Directive [VI.B.]:</u></b> The RIMS Officers (in collaboration with other appropriate staff) develop ED policies, directives, regulations, and guidance materials for use by all ED employees in processing FOIA requests.</p> <p><b><u>Recommendations:</u></b></p> <ol style="list-style-type: none"> <li>1) Assign/recruit additional OGC attorney assigned to FOIA</li> <li>2) Provide full funding for RIMS Support Services Contract</li> <li>3) Fill vacant FOIA government position within RIMS</li> <li>4) Purchase additional scanners in the Principal Offices</li> </ol>

## SIDE-BY-SIDE

**Executive Order: Improving Agency Disclosure of Information (12.15.2005)**  
**and Department of Education (ED)**

(5)

Status	Executive Order	ED Status (As of January 5, 2006)
GREEN	<ul style="list-style-type: none"> <li>“The Chief FOIA Officer shall review and report to the Attorney General, through the head of the agency, on the agency’s performance in implementing the FOIA.”</li> </ul>	<p><b><u>FOIA ACS Directive [VI.B.16.]:</u></b> The FOIA Officers prepare ED’s FOIA Annual Report and submit to DoJ.</p> <p><b><u>Status:</u></b> Complete to date; awaiting further DoJ guidance.</p>
GREEN	<ul style="list-style-type: none"> <li>“The Chief FOIA Officer shall include concise descriptions of the FOIA’s statutory exemptions in both the agency’s FOIA handbook, and the agency’s annual FOIA report, and provide an overview of certain general categories of agency records to which those exemptions apply.”</li> </ul>	<p><b><u>FOIA ACS Directive [VII.B. FOIA Exemptions and Exclusions]:</u></b>  The full text of the FOIA exemptions are available on ed.gov  (<a href="http://www.ed.gov/policy/gen/leg/foia/exemptions.html">http://www.ed.gov/policy/gen/leg/foia/exemptions.html</a>).</p> <p>Requestor data for each applicable exemption are located in the FY 2004 ED FOIA Annual Report  (<a href="http://www.ed.gov/about/reports/annual/foia/foiafy04.pdf">http://www.ed.gov/about/reports/annual/foia/foiafy04.pdf</a>).</p> <p>The FOIAXpress operating procedures contain concise descriptions of the FOIA statutory exemptions.</p> <p><b><u>Status:</u></b> Done.</p>
GREEN	<ul style="list-style-type: none"> <li>“Each agency shall establish one or more FOIA Requester Service Centers (Center), which shall serve as the first place that a FOIA requester can contact to seek information concerning the status of the person’s FOIA request and</li> </ul>	<p><b><u>FOIA ACS Directive [V.E.]:</u></b> The FOIA Office (OCIO/RIMS) is responsible for overseeing ED’s administration of the FOIA.</p> <p><b><u>Status:</u></b> Requested function is currently performed by OCIO/RIMS.  NOTE: The FOIA ACS Directive could be amended to reflect the new nomenclature (“<i>FOIA Requester Service Center</i>”) used in the</p>

## SIDE-BY-SIDE

# Executive Order: Improving Agency Disclosure of Information (12.15.2005) and Department of Education (ED)

(b)(5)

Status	Executive Order	ED Status (As of January 5, 2006)	
	appropriate information about the agency's FOIA response."	"Executive Order."	
<b>YELLOW</b>	<ul style="list-style-type: none"> <li>"The Chief FOIA Officer shall designate one or more agency officials as FOIA Public Liaisons, who may serve in the Center or in a separate office. FOIA Public Liaisons shall serve as supervisory officials to whom a FOIA requester can raise concerns about service, following an initial response from the Center staff. The FOIA Public Liaison shall assist in reducing delays, increasing transparency and understanding of the status of requests, and resolving disputes. FOIA Public Liaisons shall report to the agency Chief FOIA Officer on their activities."</li> </ul>	<p>The RIMS Director currently performs the duties of the FOIA Public Liaison.</p> <p><b>Status:</b> Using existing resources, officially designate a FOIA Public Liaison. NOTE: The FOIA ACS Directive could be amended to reflect the new nomenclature ("<i>FOIA Public Liaison</i>") used in the "Executive Order."</p>	
<b>GREEN</b>	<ul style="list-style-type: none"> <li>"The agency shall use existing agency staff and resources in establishing the Centers and designating FOIA Public Liaisons."</li> </ul>	FOIA costs and staffing data are located in Section IX. of the FY 2004 ED FOIA Annual Report.	

**SIDE-BY-SIDE**

**Executive Order: Improving Agency Disclosure of Information (12.15.2005)  
and Department of Education (ED)**

(b)(5)

Status	Executive Order	ED Status (As of January 5, 2006)
<b>YELLOW +</b>	<ul style="list-style-type: none"> <li>“Each agency shall post appropriate information about its Center or Centers on the agency’s website, including contact information for its FOIA Public Liaisons.”</li> </ul>	<p>Principal Offices have posted the required information on their webpages.</p> <p><b>Recommendation:</b> Full funding would allow OCIO/RIMS to improve the FOIA “ed.gov” website and better assist Principal Offices in addressing FOIA issues on program specific websites.</p>
<b>YELLOW</b>	<ul style="list-style-type: none"> <li>“The Chief FOIA Officer shall ensure that the agency has in place a method to receive and respond promptly and appropriately to inquiries from FOIA requesters about the status of their requests. The Chief FOIA Officer shall also consider whether the agency’s implementation of other means (such as tracking numbers for requests, or an agency telephone or Internet hotline) would be appropriate for responding to status inquiries.”</li> </ul>	<p><b>FOIA ACS Directive [VILA. Initial FOIA Requests]:</b> Describes the procedures for initial requests.</p> <p><b>FOIA ACS Directive [VILH.3.]:</b> ED maintains the voice message-based FOIA Information Line to assist the public in obtaining information about the FOIA and the basic procedures for submitting a FOIA request to ED.</p> <p>ED established the FOIA Mailbox to allow the public to submit requests via e-mail. Also, individuals can submit a FOIA request online.</p> <p><b>Recommendation:</b> FOIAXpress has allowed the Department to streamline its FOIA implementation process. However, FOIA response timeliness continues to be an issue. Our office believes the following resources will help shorten the FOIA response time:</p> <ol style="list-style-type: none"> <li>1. Assign/recruit additional OGC attorney assigned to FOIA</li> <li>2. Provide full funding for RIMS Support Services Contract</li> <li>3. Fill vacant FOIA government position within RIMS</li> </ol>

**SIDE-BY-SIDE**  
**Executive Order: Improving Agency Disclosure of Information (12.15.2005)**  
**and Department of Education (ED)**

(5)

Status	Executive Order	ED Status (As of January 5, 2006)
		4. Purchase additional scanners in the Principal Offices
<b>GREEN</b>	<p><b>“Section 3. Review, Plan, and Report:</b></p> <ul style="list-style-type: none"> <li>The Chief FOIA Officer shall evaluate, with reference to numerical and statistical benchmarks, the agency’s administration of the FOIA, including the agency’s expenditure of resources on FOIA compliance and the extent to which, if any, requests have not been responded to within the statutory time limit (backlog).”</li> </ul>	<p>OCIO/RIMS evaluated the Department’s administration of the FOIA during its FY 2004 FOIA re-engineering project (In-House Consultants).</p> <p>OCIO/RIMS also issues monthly status reports to the Chiefs of Staff and the FOIA Coordinators.</p>
<b>GREEN</b>	<ul style="list-style-type: none"> <li>“The Chief FOIA Officer shall review the processes by which the agency assists and informs the public regarding the FOIA process.”</li> </ul>	<p>During the third quarter of FY 2004, the Department began re-engineering the manner in which FOIA requests are processed.</p>
<b>GREEN</b>	<ul style="list-style-type: none"> <li>“The Chief FOIA Officer shall examine the agency’s use of information technology in responding to FOIA requests; including without limitation the tracking of FOIA requests and communication with requesters.”</li> </ul>	<p>During FY 2004, OCIO/RIMS installed FOIAXpress, a network-based system designed specifically to automate the FOIA processing for public requests. OCIO/RIMS researched and benchmarked available products before deciding on FOIAXpress. Currently, OCIO/RIMS is in the “initial installation” phase of implementing FOIAXpress.</p>

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**Executive Order: Improving Agency Disclosure of Information (12.15.2005)  
and Department of Education (ED)**

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Status	Executive Order	ED Status (As of January 5, 2006)
GREEN	<ul style="list-style-type: none"> <li>“The Chief FOIA Officer shall examine the agency’s practices with respect to requests for expedited processing.”</li> </ul>	<p><b><u>FOIA ACS Directive [V.I. FOIA Working Group]</u></b>: Comprised of ED’s FOIA Officers and FOIA Coordinators whose function is to review any new FOIA changes or procedures and assist with the implementation of such.</p> <p>During FY 2005 and FY 2006, OCIO briefed the Chiefs of Staff on the roles and responsibilities of staff involved with the FOIA.</p>
GREEN	<ul style="list-style-type: none"> <li>“The Chief FOIA Officer shall examine the agency’s implementation of multi-track processing.”</li> </ul>	<p><b><u>FOIA ACS Directive [VII.K. System Support for FOIA Requests and Appeals Tracking and Management]</u></b>: FOIA Xpress allows the Department to utilize multi-track processing.</p>
YELLOW	<ul style="list-style-type: none"> <li>“The Chief FOIA Officer shall review the agency’s policies and practices relating to the availability of public information through its websites and other means, including the use of websites to make available the records described in section 552(a)(2) of title 5, USC.”</li> </ul>	<p><b><u>FOIA ACS Directive [VII.I. ED’s FOIA Website and Electronic Reading Rooms]</u></b>: The ED FOIA Internet website includes an Electronic Reading Room that contains a wide range of documents about ED programs, and includes frequently requested materials.</p> <p><b><u>FOIA ACS Directive [VII.H. FOIA Reading Room]</u></b>: ED’s FOIA Reading Room, located at the National Library of Education, contains a wide variety of documents and information concerning ED’s programs and activities.</p> <p>OCIO/RIMS updated the ed.gov FOIA website during FY 2006 (<a href="http://www.ed.gov/policy/gen/leg/foia/foiatoc.html">http://www.ed.gov/policy/gen/leg/foia/foiatoc.html</a>).</p> <p><b><u>Recommendation</u></b>: Principal Offices need to post additional</p>

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**Executive Order: Improving Agency Disclosure of Information (12.15.2005)**  
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		information on the ed.gov FOIA website. This action would comply with the unofficial FOIA "Rule of 3," which requires Principal Offices to post information on the Internet that has been requested three times.
YELLOW	<ul style="list-style-type: none"> <li>• "The Chief FOIA Officer shall identify ways to eliminate or reduce its FOIA backlog."</li> </ul>	<p><b><u>FOIA ACS Directive [VI.B.]:</u></b> FOIA Officers maintain a central reporting and tracking system for FOIA requests.</p> <p><b><u>FOIA ACS Directive [VI.C.8.]:</u></b> In every instance in which the 20 business-day response time cannot be met, FOIA Coordinators provide the requestor an opportunity to narrow the scope of the request; and/or negotiate a mutually acceptable schedule.</p> <p><b><u>FOIA ACS Directive [VIL.K.1.]:</u></b> System Support for FOIA Requests and Appeals Tracking and Management. The tracking system (FOIAXpress) streamlines the FOIA intake process, thus reducing backlog.</p> <p><b><u>FY 2004 ED FOIA Annual Report/Section VIII.:</u></b> During the third quarter of FY 2004, the Department began re-engineering the manner in which FOIA requests are processed. Early indications show that this new process has begun to reduce backlogs and reduce median processing times. OCIO/RIMS identified additional ways to eliminate or reduce its backlog during the FOIA re-engineering process.</p> <p><b><u>Recommendation:</u></b> FOIA backlog can be reduced and/or eliminated with additional training for subject matter experts; increased use of FOIAXpress and the FOIA Electronic Reading Room; full funding as described above; and with CoS leadership.</p>

**SIDE-BY-SIDE**

**Executive Order: Improving Agency Disclosure of Information (12.15.2005)  
and Department of Education (ED)**

(b)(5)

Status	Executive Order		ED Status (As of January 5, 2006)	
TBD	<ul style="list-style-type: none"> <li>“The Chief FOIA Officer shall develop, in consultation with agency staff, the Attorney General, and the OMB Director, an agency-specific plan to ensure that the agency’s administration of the FOIA is in accordance with applicable law and the policies set forth in this Executive Order. The plan, which shall be submitted to the head of the agency for approval, shall address the agency’s implementation of the FOIA during FFYs 2006 and 2007.”</li> </ul>	<p>OCIO has received guidance from OMB and will prepare the draft plan as soon as possible.</p> <p>NOTE: OCIO may receive additional guidance from DoJ.</p>		

# **SIDE-BY-SIDE**

## **Executive Order: Improving Agency Disclosure of Information (12.15.2005) and Department of Education (ED)**

### **Future Executive Order Requirements:**

1. The plan **shall** include specific activities that the agency will implement to eliminate or reduce the agency's FOIA backlog, including changes that will make the processing of FOIA requests more streamlined and effective, as well as increased reliance on the dissemination of records that can be made available to the public through a website or other means that do not require the public to make a request for records under the FOIA.
2. The plan **shall** include activities to increase public awareness of FOIA processing, including expanded use of the agency's Center and its FOIA Public Liaisons. OCIO/RIMS conducted Department-wide FOIA Awareness Training in the fourth quarter of FY 2005. OCIO/RIMS also updated the ed.gov FOIA website in FY 2006. The new features offer a more user-friendly experience for both internal and external FOIA customers.
3. The plan **shall** include concrete milestones, with specific timetables and outcomes to be achieved, by which the head of the agency, after consultation with the OMB Director, shall measure and evaluate the agency's success in the implementation of the plan. During the third quarter of FY 2004, the Department began re-engineering the manner in which FOIA requests are processed.
4. The head of the agency **shall** submit a report, no later than 6 months from the date of this order (**DUE DATE: 6/14/2006**), to the Attorney General and the OMB Director that summarizes the results of the review (Section 3(a) of this E.O.) and encloses a copy of the agency's plan (Section 3(b) of this Order). The agency **shall** publish a copy of the report on its website.
5. The head of the agency **shall** include in its FY 2006 and 2007 annual FOIA reports a report (**DUE DATES: FY06-2/1/2007; FY07-2/1/2008**) on the agency's development and implementation of its plan (under Section 3(b) of this Order) and on the agency's performance in meeting the milestones set forth in that plan. If the agency does not meet a milestone in its plan, the head of the agency **shall** identify its deficiency in the annual FOIA report; explain in the annual report the reasons for failure to reach the milestone; outline in the annual report the steps that the agency has already taken, and will be taking, to address the deficiency; and report this deficiency to the President's Management Council.

From: Mladina, Suzana  
Sent: Thursday, December 22, 2005 10:17 AM  
To: Carpentier, Julian  
Subject: RE: FOIA Executive Order Side-by-Side

Looks good - kudos!

-----Original Message-----

From: Carpentier, Julian  
Sent: Wednesday, December 21, 2005 11:42 AM  
To: Mladina, Suzana  
Subject: FOIA Executive Order Side-by-Side

Let me know what you think:

<< File: FOIA Executive Order - Directive SidebySide.122105.doc >>

Julian B. Carpentier  
Management and Program Analyst  
U.S. Department of Education  
Office of the Chief Information Officer  
550 12th St. SW  
Washington, DC 20202  
julian.carpentier@ed.gov

From: Van Vlandren, Jeanne  
Sent: Thursday, December 15, 2005 5:36 PM  
To: Clark, Michell; Berger, Keith; Jones, Maureen; Aten, Nina  
Cc: Arrington, Angela; Eiden, Lee  
Subject: RE: New Executive Order relating to the Freedom of Information Act

Hi Michell

For once ED is ahead of the rest of the Govt on FOIA! The executive order is aimed at streamlining the processing for Freedom of Information Act queries by requiring agencies to establish a top official for handling FOIA requests. Under the order, agencies within 30 days must establish a chief FOIA officer who will be responsible for making them respond to FOIA requests more quickly and efficiently. You are already designated as the acting Assistant Secretary. Agencies must also submit a plan of action to the Attorney General and the Office of Management and Budget within six months, and that plan must also be posted on agency Web sites. The plan must be implemented over the next year, the executive order added.

We are now working with OGC and preparing the response for you to run by David Dunn. Our quick review of the requirements indicates we will have already covered most of the items in the current ACS Directive. Thanks  
Jeanne

-----Original Message-----

From: Clark, Michell  
Sent: Thursday, December 15, 2005 5:29 PM  
To: Berger, Keith; Van Vlandren, Jeanne; Jones, Maureen; Aten, Nina  
Subject: RE: New Executive Order relating to the Freedom of Information Act

Got it, thanks.

Make it a Great Day!!

Michell Clark  
Acting Assistant Secretary for Management and CIO  
Department of Education  
400 Maryland Ave., S.W.  
Washington, D.C. 20202  
(202) 260-7337

-----Original Message-----

From: Berger, Keith  
Sent: Thursday, December 15, 2005 10:44 AM  
To: Van Vlandren, Jeanne; Jones, Maureen; Clark, Michell; Aten, Nina  
Subject: FW: New Executive Order relating to the Freedom of Information Act

FYI

-----Original Message-----

From: Riddle, Paul  
Sent: Thursday, December 15, 2005 10:29 AM  
To: Goodridge, Marcella; Dobson, Dana; Van Vlandren, Jeanne; Anderson, Margo; Berger, Keith; Briggs, Kerri; Bergeron, David; Foster, Richard; Goetz, Braden; March, Greg; Hammond, Peirce; Baker, Jeff; Sims, Jeffrey; Kuzmich, Holly; Leos, Kathleen; McGrath, Jack; Holloway, Michael; Link, Philip; Rudy, Deborah; Scott, Brandon; Stankosky, Kira; Betka, Sue; Adams, Carolyn; Eitel, Robert S.; Ellis, Kathryn; Marinucci, Fred; Jenkins, Harold; Higgins, Shannan; Hokanson, Charles; Lahring, Karl; Talbert, Kent; McFadden, Elizabeth; Rosenfelt, Phil; Price, Angela; Wexler, Rob; Santoro, Karen; Freid, Steve; Craig, Susan; Taylor, Jeff; Sasser, Tracey; Haubert, William; Bowen, Jennifer; Douglas, Michelle; Hansen, Randy; Jackson, Melvin; Kanter, Lisa; Smith, Megan; Templeman, Lori  
Subject: New Executive Order relating to the Freedom of Information Act

The President issued an Executive Order, "Improving Agency Disclosure of Information", yesterday (posted at <http://www.whitehouse.gov/news/releases/2005/12/20051214-4.html>).

The Order, which will be printed soon in the Federal Register, imposes various requirements on Federal agencies with respect to handling FOIA requests, including a requirement to designate, within 30 days, a senior agency official (at the Assistant Secretary level) to serve as the agency's Chief FOIA Officer.

From: Van Vlandren, Jeanne  
Sent: Thursday, December 15, 2005 12:23 PM  
To: Cueva, Maria-Teresa; Darby, Linda; Swafford, Christie; Eiden, Lee; Carpentier, Julian; Valentine, Stephanie  
Cc: Washington, Tomakie; Arrington, Angela  
Subject: FW: New Executive Order relating to the Freedom of Information Act

Here is some very good news ~ we now have clear support from The President for our FOIA changes. Also, ED is ahead of the game as we have already designated the Chief FOIA Officer.  
Jeanne

-----Original Message-----

From: Riddle, Paul  
Sent: Thursday, December 15, 2005 10:29 AM  
To: Goodridge, Marcella; Dobson, Dana; Van Vlandren, Jeanne; Anderson, Margo; Berger, Keith; Briggs, Kerri; Bergeron, David; Foster, Richard; Goetz, Braden; March, Greg; Hammond, Peirce; Baker, Jeff; Sims, Jeffrey; Kuzmich, Holly; Leos, Kathleen; McGrath, Jack; Holloway, Michael; Link, Philip; Rudy, Deborah; Scott, Brandon; Stankosky, Kira; Betka, Sue; Adams, Carolyn; Eitel, Robert S.; Ellis, Kathryn; Marinucci, Fred; Jenkins, Harold; Higgins, Shannan; Hokanson, Charles; Lahring, Karl; Talbert, Kent; McFadden, Elizabeth; Rosenfelt, Phil; Price, Angela; Wexler, Rob; Santoro, Karen; Freid, Steve; Craig, Susan; Taylor, Jeff; Sasser, Tracey; Haubert, William; Bowen, Jennifer; Douglas, Michelle; Hansen, Randy; Jackson, Melvin; Kanter, Lisa; Smith, Megan; Templeman, Lori  
Subject: New Executive Order relating to the Freedom of Information Act

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